Mr. HARRISON of Virginia and to include extraneous matter.

Mr. VAN ZANDT (at the request of Mr. GRAHAM) and to include an editorial.

Mr. BECKWORTH in the Appendix and include extraneous matter.

Mrs. ROGERS of Massachusetts and to include a letter from Mr. Jacques L. Patterson, of Honolulu, and a poem written by him entitled "The Cross."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ASPINALL (at the request of Mr. ROGERS of Colorado), until January 21, on account of committee business.

Mr. MILLER of Nebraska (at the request of Mr. CURTIS of Nebraska), from January 10 through January 18, on account of official business with the Committee on Public Lands.

ADJOURNMENT

Mr. SMITH of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 13 minutes p. m.) under its previous order, the House adjourned until Monday, January 14, 1952, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1033. A letter from the Comptroller General of the United States, transmitting the report on the audit of Federal National Mortgage Association for the fiscal year ended June 30, 1951, pursuant to the Government Corporation Control Act (31 U. S. C. 841) (H. Doc. No. 323); to the Committee on Expenditures in the Executive Departments and ordered to be printed.

1034. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to extend to grazing lessees the right of compensation sustained by reason of the use of the public domain or other property for war or national defense purposes"; to the Committee on Interior and Insular Affairs.

1035. A letter from the Acting Chairman, Commission on Renovation of the Executive Mansion (the White House), transmitting the Fifth Report of the Commission on Renovation of the Executive Mansion, pursuant to Public Law 377, Eighty-first Congress; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARING:

H. R. 5964. A bill to create and prescribe the functions of a Department of Mineral Resources; to the Committee on Expenditures in the Executive Departments.

H. R. 5965. A bill to permit the free marketing of gold; to the Committee on Ways and Means.

By Mr. CURTIS of Nebraska:

H. R. 5966. A bill to authorize modification of the flood-control project for agricultural levee unit 513-512-R in Richardson County, Nebr.; to the Committee on Public Works.

By Mr. MURRAY of Wisconsin:

H. R. 5967. A bill to establish a base price for figuring parity on defatted milk; to the Committee on Agriculture.

By Mr. PHILLIPS:

H. R. 5968. A bill to amend section 21 of the Second Liberty Bond Act; to the Committee on Ways and Means.

By Mr. RODINO:

H. R. 5969. A bill to admit 50,000 immigrants, natives and citizens of Italy; to the Committee on the Judiciary.

By Mr. SMITH of Mississippi:

H. R. 5970. A bill to extend the rights, benefits, and privileges granted to World War II veterans to certain citizens of the United States who entered the armed forces of governments allied with the United States during World War II, and to their dependents; to the Committee on Veterans' Affairs.

By Mr. TAYLOR:

H. R. 5971. A bill granting exemption from income tax in the case of retirement annuities and pensions; to the Committee on Ways and Means.

By Mr. CRUMPACKER:

H. J. Res. 357. A joint resolution authorizing the President of the United States to proclaim October 11, 1952, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski: to the Committee on the Judiciary.

By Mr. FORD:

H. J. Res. 358. Joint resolution to create a Great Lakes Water Level Commission; to the Committee on Public Works.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Arizona, transmitting a copy of an interstate civil defense compact as entered into and ratified by the State of Arizona, pursuant to subsection 201 (g) of the Federal Civil Defense Act of 1950 (Public Law 920, 81st Cong.); to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H. R. 5972. A bill for the relief of Pasquale Lucente; to the Committee on the Judiciary.

By Mr. ANGELL:

H. R. 5973. A bill for the relief of Yip Soy Naum and Yip Kug Yow; to the Committee on the Judiciary.

By Mr. BUCKLEY:

H. R. 5974. A bill for the relief of Endre Szende, Zsuzsanna Szende, Katalin Szende (a minor), and Maria Szende (a minor); to the Committee on the Judiciary.

By Mr. BYRNE of New York:

H. R. 5975. A bill for the relief of Britt-Marie Eriksson and others; to the Committee on the Judiciary.

By Mr. CURTIS of Nebraska:

H. R. 5976. A bill for the relief of Michiko Nakashima; to the Committee on the Judiciary.

By Mr. FINE:

H. R. 5977. A bill for the relief of Ioan Vasile; to the Committee on the Judiciary.

By Mr. HERLONG:

H. R. 5978. A bill for the relief of Cornelis Zyderveld; to the Committee on the Judiciary.

By Mr. KEOGH:

H. R. 5979. A bill for the relief of Wladyslaw Glowacki; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H. R. 5980. A bill for the relief of Mary Francina Marconi, Fernanda Guzzi, Anna Ferraro, Mary Laudano, and Julia Pisano; to the Committee on the Judiciary.

By Mr. MARSHALL:

H. R. 5981. A bill for the relief of Erna Kogler; to the Committee on the Judiciary.

By Mr. MURPHY:

H. R. 5982. A bill for the relief of Araxe Papazian; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H. R. 5983. A bill for the relief of Lynn Jordan; to the Committee on the Judiciary.

By Mr. ROGERS of Texas:

H. R. 5984. A bill for the relief of Jimmy Doguta (also known as Jimmy Blagg); to the Committee on the Judiciary.

By Mr. SHAFER:

H. R. 5985. A bill for the relief of Gunther Johannes (John) Rathnow; to the Committee on the Judiciary.

By Mr. SHEPPARD:

H. R. 5986. A bill for the relief of Isabelle Choueiri; to the Committee on Judiciary.

H. R. 5987. A bill for the relief of Robert Julius MacGavin, his wife, Cielo Otero, and children, Robert Ramon, John Drummond, Rosario Maria Romona, and William R. MacGavin; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

501. The SPEAKER presented a petition of Lawrence McGarr, New Jersey State Prison, Trenton, N. J., stating a grievance in regard to his imprisonment, which was referred to the Committee on the Judiciary.

SENATE

MONDAY, JANUARY 14, 1952

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, who art the hope of all the ends of the earth and the kindly light that leads us on through the encircling gloom: Help us who grope in the darkness of earth's dim ways to remember that even the shadows themselves are born of light. As we face the tasks of another week, lift upon us the light of Thy countenance; may we be saved from despair by the hope that sends a shining ray far down the future's broadening way.

Even while we are spurred to fight with all our might against the present evil which threatens freemen everywhere, may we also be lured by the vision splendid of a coming good. Deliver us from political policies which are symptoms of spiritual disease. Give us courage and strength for the vast task of rebuilding the waste places of the earth, that needs to be dared if life for all men is to be made full and free. We ask it in the dear Redeemer's name. Amen.

ATTENDANCE OF SENATORS

OWEN BREWSTER, a Senator from the State of Maine, HUBERT H. HUMPHREY, a Senator from the State of Minnesota, and MIKE MONRONEY, a Senator from the State of Oklahoma, appeared in their seats today.

THE JOURNAL

On request of Mr. McFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 10, 1952, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

LEAVE OF ABSENCE

On request of Mr. McFARLAND, and by unanimous consent, Mr. FREAR was excused from attending the sessions of the Senate on Tuesday and Wednesday of this week because of official business.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. NEELY, and by unanimous consent, a subcommittee of the Committee on the District of Columbia was authorized to sit today and on each succeeding day, while the Senate is in session, so long as it may be necessary to complete its work.

COMMITTEE SERVICE

On motion of Mr. BUTLER of Nebraska, and by unanimous consent, it was

Ordered, That Mr. McCARTHY be, and he is hereby, excused from further service as a member of the Committee on Rules and Administration and assigned to service on the Committee on Appropriations.

That Mr. DIRKSEN be, and he is hereby, excused from further service as a member of the Committee on the District of Columbia and assigned to service on the Committee on Rules and Administration.

That Mr. WELKER be, and he is hereby, excused from further service as a member of the Committee on Post Office and Civil Service and assigned to service on the Committee on Rules and Administration.

That Mr. SEATON be, and he is hereby, assigned to service on the Committee on the District of Columbia and to service on the Committee on Post Office and Civil Service.

REPORT ON TRADE AGREEMENT ESCAPE CLAUSES—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 328)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Finance.

(For President's message, see today's proceedings of the House of Representatives, p. 150.)

SYNTHETIC RUBBER INDUSTRY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 326)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read and referred to the Committee on Armed Services.

(For President's message, see today's proceedings of the House of Representatives, pp. 150–151.)

REORGANIZATION PLAN NO. 1 OF 1952, RELATING TO BUREAU OF INTERNAL REVENUE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 327)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Expenditures in the Executive Departments and ordered to be printed.

(For President's message, see today's proceedings of the House of Representatives, pp. 148–149.)

TRANSACTION OF ROUTINE BUSINESS

Mr. McFARLAND. Mr. President, I ask unanimous consent that Senators be permitted to present petitions and memorials, introduce bills and joint resolutions, and submit routine matters for the RECORD, without debate and without speeches.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON FLIGHT PAY OF CERTAIN NAVAL AND MARINE OFFICERS

A letter from the Secretary of the Navy, reporting, pursuant to law, on the number of naval and marine officers above the rank of lieutenant commander and major who receive flight pay; to the Committee on Armed Services.

REPORT OF ACTIVITIES UNDER FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report of that Department on its activities under the Federal Property and Administrative Services Act of 1949 (with an accompanying report); to the Committee on Expenditures in the Executive Departments.

AUDIT REPORT ON FEDERAL NATIONAL MORTGAGE ASSOCIATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Federal National Mortgage Association for the fiscal year ended June 30, 1951 (with an accompanying report); to the Committee on Expenditures in the Executive Departments.

ADDITION OF CERTAIN LAND TO MOUND CITY GROUP NATIONAL MONUMENT, OHIO

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to add certain federally owned land to the Mound City Group National Monument, in the State of Ohio, and for other purposes (with an accompanying paper); to the Committee on Finance.

REPORT OF UNITED STATES TARIFF COMMISSION

A letter from the Chairman of the United States Tariff Commission, transmitting, pursuant to law, the thirty-fifth annual report of the Commission (with an accompanying report); to the Committee on Finance.

REPORT OF ADMINISTRATOR OF VETERANS' AFFAIRS

A letter from the Administrator of Veterans' Affairs, transmitting, pursuant to law, his report for the fiscal year ended June 30, 1951 (with an accompanying report); to the Committee on Finance.

REORGANIZATION OF LAND DISTRICTS AND LAND OFFICES IN CONTINENTAL UNITED STATES

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to permit the reorganization of land districts and land offices in the continental United States (with an accompanying paper); to the Committee on Interior and Insular Affairs.

EXTENSION TO GRAZING LESSEES THE RIGHT OF COMPENSATION FOR LOSSES SUSTAINED BY USE OF CERTAIN LANDS FOR WAR PURPOSES

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to extend to grazing lessees the right of compensation for losses sustained by reason of the use of the public domain or other property for war or national defense purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

AMENDMENT OF CODE RELATING TO REQUIREMENT THAT MERCHANT SEAMEN UNDERSTAND ORDERS IN ENGLISH LANGUAGE

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 13 of the act of March 4, 1915, 38 Stat. 1169, as amended (U. S. C., title 46, sec. 672 (a)), to require that merchant seamen be able to understand orders given in the English language, and for other purposes (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

EXEMPTIONS OF CERTAIN ALIENS GOING TO THE VIRGIN ISLANDS FROM PAYMENT OF HEAD TAX

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to exempt certain aliens coming from the British Virgin Islands to the Virgin Islands of the United States from the payment of a head tax, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF FEDERAL-AID ROAD ACT

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes (with an accompanying paper); to the Committee on Public Works.

REPORT OF GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO.

A letter from the president of the Georgetown Barge, Dock, Elevator & Railway Co., transmitting, pursuant to law, a report of the company for the year ended December 31, 1951 (with an accompanying report); to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Agriculture and Forestry:

"A concurrent resolution memorializing Congress to conduct an investigation into the cotton crop production estimate of the United States Department of Agriculture

"Whereas the United States Department of Agriculture issues monthly, from August through December of each year, an estimate of cotton crop production for the year; and

"Whereas this estimate plays a vital role in determining the price of cotton; and

"Whereas the estimate made on September 1, 1951, was 17,291,000 bales and the estimate

made on December 1, 1951, was 15,290,000 bales; and

"Whereas the December estimate was 2,001,000 bales less than the September estimate, a decline of 11.6 percent; and

"Whereas the erroneous September estimate caused a great decline in the price of cotton before the price climbed again to its normal level after the December estimate; and

"Whereas many farmers sold their cotton at the lowered prices caused by the September estimate, thereby suffering great financial loss; and

"Whereas the great difference between the September estimate and the December estimate indicates gross inefficiency in a field so vital to the life and welfare of the farmer: Now, therefore, be it

"Resolved by the house of representatives (the senate concurring), That the Congress of the United States is urged to conduct an investigation to determine why so great a difference existed between the United States Department of Agriculture's cotton crop production estimates for September and December 1951, and to take whatever steps may be necessary to assure that henceforth such estimates will more accurately reflect prospects for each year's cotton crop production; be it further

"Resolved, That copies of this resolution be sent to the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and each Member of Congress from South Carolina."

A resolution adopted by the Board of Supervisors of the County of Maui, Territory of Hawaii, favoring the enactment of legislation to provide adequate funds to procure white crosses for the National Cemetery of the Pacific; to the Committee on Appropriations.

A letter in the nature of a petition from the Arizona State Civil Defense Agency, Phoenix, Ariz., signed by George B. Owen, director, transmitting an authenticated copy of an interstate civil-defense compact entered into by that State (with an accompanying paper); to the Committee on Armed Services.

A resolution adopted by the New York State Defense Council, Albany, N. Y., relating to the indemnity for human risks involved in civil defense and on the production line on the home front; to the Committee on Finance.

Resolutions adopted by the First Baptist Church of Princeton, and the First Baptist Church of Benton, both in the State of Kentucky, and the West End Presbyterian Church of Houston, Tex., protesting against the appointment of an ambassador to the Vatican; to the Committee on Foreign Relations.

A resolution adopted by the International Association of Chiefs of Police at Miami, Fla., favoring the enactment of legislation to prohibit the interstate transmission of racetrack information; to the Committee on Interstate and Foreign Commerce.

A letter in the nature of a memorial from the Texas Association of Public Accountants, Brownwood, Tex., remonstrating against the enactment of Senate bills 17 and 1725, and House bill 3097, relating to the practice of public accountancy; to the Committee on the Judiciary.

A resolution adopted by Local No. 1, National Association of Retired Civil Service Employees, Charleston, S. C., favoring the enactment of House bill 2732, to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide increased retirement benefits for annuitants and survivors; to the Committee on Post Office and Civil Service.

A resolution adopted by chapter 8, National Association of Retired Civil Employees, Atlanta, Ga., favoring the enactment of legislation providing increased retirement benefits for retired civil-service employees; to the Committee on Post Office and Civil Service.

CHICAGO INTERNATIONAL TRADE FAIR

Mr. CONNALLY. Mr. President, from the Committee on Foreign Relations, I report favorably, without amendment, the joint resolution (H. J. Res. 331) authorizing the President to invite the States of the Union and foreign countries to participate in the Chicago International Trade Fair, to be held in Chicago, Ill., March 22 to April 6, 1952, and I submit a report, No. 1059, thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. IVES:

S. 2406. A bill to amend section 2 (f) of the Displaced Persons Act of 1948, so as to make further provision for the admission of certain displaced orphans into the United States; to the Committee on the Judiciary.

By Mr. ECTON:

S. 2407. A bill authorizing the Secretary of the Interior to issue a patent in fee to George Scott; to the Committee on Interior and Insular Affairs.

By Mr. CASE:

S. 2408. A bill to amend the act authorizing the negotiation and ratification of certain contracts with certain Indians of the Sioux Tribe in order to extend the time for negotiation and approval of such contracts; to the Committee on Interior and Insular Affairs.

By Mr. NEELY:

S. 2409. A bill to authorize and request the President to undertake to mobilize at some convenient place in the United States an adequate number of the world's outstanding experts, and coordinate and utilize their services in a supreme endeavor to discover means of curing and preventing cancer; to the Committee on Labor and Public Welfare.

By Mr. KNOWLAND:

S. 2410. A bill for the relief of Henry M. van Bemmelen, Jr.; to the Committee on the Judiciary.

By Mr. KEFAUVER (for himself, Mr. TOBEY, Mr. HUMPHREY, Mr. FERGUSON, Mr. NIXON, Mr. SCHOEPPEL, Mr. THYE, Mr. MORSE, Mr. GILLETTE, Mr. LEHMAN, Mrs. SMITH of Maine, Mr. SPARKMAN, Mr. FLANDERS, Mr. AIKEN, Mr. PASTORE, Mr. HENDRICKSON, Mr. CLEMENTS, Mr. BENTON, Mr. BRIDGES, Mr. HILL, Mr. ANDERSON, and Mr. UNDERWOOD):

S. 2411. A bill to prohibit officers and employees of the Bureau of Internal Revenue from engaging in other business, vocation, or employment; to the Committee on Finance.

(See the remarks of Mr. KEFAUVER when he introduced the above bill, which appear under a separate heading.)

By Mr. KEFAUVER (for himself, Mr. TOBEY, Mr. HUMPHREY, Mr. FERGUSON, Mr. NIXON, Mr. SCHOEPPEL, Mr. THYE, Mr. MORSE, Mr. GILLETTE, Mr. LEHMAN, Mrs. SMITH of Maine, Mr. SPARKMAN, Mr. FLANDERS, Mr. AIKEN, Mr. PASTORE, Mr. ANDERSON, Mr. MURRAY, Mr. HENDRICKSON, Mr. CLEMENTS, Mr. BENTON, Mr. HILL, Mr. CASE, and Mr. UNDERWOOD):

S. 2412. A bill to require that collectors of internal revenue be appointed in accordance with the civil-service laws; to the Committee on Finance.

(See the remarks of Mr. KEFAUVER when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSON of Colorado:

S. 2413. A bill to provide for the settlement of certain parts of Alaska by war veterans; to the Committee on Interior and Insular Affairs.

S. 2414. A bill for the relief of Sen Yao; to the Committee on the Judiciary.

By Mr. RUSSELL:

S. 2415 (by request). A bill to authorize the Secretary of the Army to issue Army supplies and equipment to the civilian components of the Army;

S. 2416 (by request). A bill to amend sections 203 and 403 of the Federal Civil Defense Act of 1950, so as to authorize certain Government officers to assist in carrying out mutual civil defense aid between the United States and neighboring countries; to modify the loyalty oath so as to allow nationals of neighboring countries or of countries that are parties to the North Atlantic Treaty to participate in State civil defense programs without impairing their citizenship; and for other purposes; and

S. 2417 (by request). A bill to provide for the interservice transfer of commissioned personnel of the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

S. 2418 (by request). A bill for the relief of Britt-Marie Eriksson and others; and

S. 2419. A bill for the relief of Ioannis Dimitrious Cohilis; to the Committee on the Judiciary.

S. 2420 (by request). A bill to amend section 302 of the Servicemen's Readjustment Act of 1944, as amended; to the Committee on Labor and Public Welfare.

S. 2421 (by request). A bill to amend the act of January 12, 1951 (64 Stat. 1257), amending and extending title II of the First War Powers Act, 1941; to the Committee on Expenditures in the Executive Departments.

S. 2422 (by request). A bill to amend section 3268 of the Internal Revenue Code so as to exempt certain recreational facilities from the tax prescribed therein; to the Committee on Finance.

By Mr. FERGUSON:

S. J. Res. 118. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1952, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

(See the remarks of Mr. FERGUSON when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. JOHNSON of Colorado:

S. J. Res. 119. Joint resolution to safeguard the economic stability of the United States by imposing limitations on grants of new obligational authority for, and on expenditures during, the fiscal year 1953; to the Committee on Expenditures in the Executive Departments.

BUREAU OF INTERNAL REVENUE

Mr. KEFAUVER. Mr. President, on behalf of myself, the junior Senator from

New Hampshire [Mr. TOBEY], the junior Senator from Minnesota [Mr. HUMPHREY], the Senator from Michigan [Mr. FERGUSON], the Senator from California [Mr. NIXON], the Senator from Kansas [Mr. SCHOEPPEL], the senior Senator from Minnesota [Mr. THYE], the Senator from Oregon [Mr. MORSE], the Senator from Iowa [Mr. GILLETTE], the Senator from New York [Mr. LEHMAN], the Senator from Maine [Mrs. SMITH], the junior Senator from Alabama [Mr. SPARKMAN], the junior Senator from Vermont [Mr. FLANDERS], the senior Senator from Vermont [Mr. AIKEN], the Senator from Rhode Island [Mr. PASTORE], the Senator from New Jersey [Mr. HENDRICKSON], the senior Senator from Kentucky [Mr. CLEMENTS], the Senator from Connecticut [Mr. BENTON], the senior Senator from New Hampshire [Mr. BRIDGES], the senior Senator from Alabama [Mr. HILL], the Senator from New Mexico [Mr. ANDERSON], and the junior Senator from Kentucky [Mr. UNDERWOOD], I introduce for appropriate reference a bill to prohibit officers and employees of the Bureau of Internal Revenue from engaging in other business, vocation, or employment.

Also, on behalf of myself, the Senator from New Hampshire [Mr. TOBEY], the junior Senator from Minnesota [Mr. HUMPHREY], the Senator from Michigan [Mr. FERGUSON], the Senator from California [Mr. NIXON], the Senator from Kansas [Mr. SCHOEPPEL], the senior Senator from Minnesota [Mr. THYE], the Senator from Oregon [Mr. MORSE], the Senator from Iowa [Mr. GILLETTE], the Senator from New York [Mr. LEHMAN], the Senator from Maine [Mrs. SMITH], the junior Senator from Alabama [Mr. SPARKMAN], the junior Senator from Vermont [Mr. FLANDERS], the senior Senator from Vermont [Mr. AIKEN], the Senator from Rhode Island [Mr. PASTORE], the Senator from New Mexico [Mr. ANDERSON], the Senator from Montana [Mr. MURRAY], the Senator from New Jersey [Mr. HENDRICKSON], the senior Senator from Kentucky [Mr. CLEMENTS], the Senator from Connecticut [Mr. BENTON], the senior Senator from Alabama [Mr. HILL], the Senator from South Dakota [Mr. CASE], and the junior Senator from Kentucky [Mr. UNDERWOOD], I introduce for appropriate reference a bill to require that collectors of internal revenue be appointed in accordance with the civil-service laws, which is in compliance with a recommendation made by the Commissioner of Internal Revenue, Mr. Dunlap, and by the President of the United States, and which the sponsors of the bill feel would add much toward securing the ablest men in the positions of collectors and remove them from any political influence.

The VICE PRESIDENT. The bills will be received and appropriately referred.

The bills introduced by Mr. KEFAUVER (for himself and other Senators) were read twice by their titles, and referred to the Committee on Finance, as follows:

S. 2411. A bill to prohibit officers and employees of the Bureau of Internal Revenue from engaging in other business, vocation, or employment; and

S. 2412. A bill to require that collectors of internal revenue be appointed in accordance with the civil-service laws.

GENERAL CASIMIR PULASKI'S MEMORIAL DAY

Mr. FERGUSON. Mr. President, I introduce for appropriate reference a joint resolution authorizing the President of the United States of America to proclaim October 11, 1952, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, and I ask unanimous consent that the joint resolution be printed in the RECORD.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred and, without objection, printed in the RECORD.

The joint resolution (S. J. Res. 118) authorizing the President of the United States of America to proclaim October 11, 1952, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, introduced by Mr. Ferguson, was read twice by its title, and referred to the Committee on the Judiciary, as follows:

Resolved, etc., That the President of the United States is authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all government buildings on October 11, 1952, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of Gen. Casimir Pulaski.

AGREEMENTS OR COMMITMENTS WITH FOREIGN COUNTRIES

Mr. BUTLER of Nebraska. Mr. President, on behalf of myself, the junior Senator from Indiana [Mr. JENNER], the Senator from Missouri [Mr. KEM], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Kansas [Mr. SCHOEPPEL], the Senator from Washington [Mr. CAIN], the senior Senator from Indiana [Mr. CAPEHART], the junior Senator from Utah [Mr. BENNETT], the Senator from North Dakota [Mr. LANGER], the Senator from Montana [Mr. ECTON], the senior Senator from Utah [Mr. WATKINS], the Senator from Nevada [Mr. MALONE], the senior Senator from Idaho [Mr. DWORSHAK], the Senator from Ohio [Mr. BRICKER], the Senator from Illinois [Mr. DIRKSEN], the junior Senator from Idaho [Mr. WELKER], the Senator from Delaware [Mr. WILLIAMS], the Senator from Michigan [Mr. FERGUSON], and the Senator from Wisconsin [Mr. MCCARTHY], I submit for appropriate reference a resolution relative to certain agreements or commitments of the Federal Government with foreign countries, and I ask unanimous consent that I may make a brief statement concerning the resolution.

The VICE PRESIDENT. The resolution will be received and appropriately referred, and, without objection, the Senator from Nebraska may proceed.

The resolution (S. Res. 246), submitted by Mr. BUTLER of Nebraska (for himself and other Senators), was referred to the Committee on Foreign Relations, as follows:

Whereas the President is now conferring with official representatives of the British Government; and

Whereas, during the recent war, agreements which placed heavy burdens on the United States Government were entered into with foreign governments in a manner contrary to duly prescribed procedures: Now, therefore, be it

Resolved, That the President is requested to transmit on or before March 1, 1952, to the Committee on Foreign Relations of the Senate, a report which shall contain a full disclosure of the matters conferred upon; and be it further

Resolved, That the Committee on Foreign Relations shall, within 30 days following the submission of the report of the President, advise the Senate concerning any agreement, concord, or understanding arising from such conferences which could be construed, at any time, to place any obligation, monetary or otherwise, upon the Government of the United States.

Mr. BUTLER of Nebraska. Mr. President, on behalf of myself and 18 other Senators, I have submitted a resolution which I hope will receive early and favorable consideration by the Senate. Its first purpose is to inform the Senate about the matters being conferred upon by the President and his advisers and representatives of the British Government. Its second purpose is to assure the Senate that no agreements nor commitments will be made during these conferences which can, at any time, be construed to place obligations, financial or otherwise, upon the United States.

Issues that will arise during these conferences are the furnishing of steel to Great Britain, and the purchase of rubber and tin from Great Britain. There is no secret about the fact that the British are parties to the tin and rubber cartels, and want to sell us these items at exorbitant prices. Too, there has been the announcement of an agreement to the effect that Great Britain must approve the use of American air bases in England as a starting point for use of the atomic bomb. This concession smacks of appeasement of Soviet Russia. Are we spending hundreds of millions of dollars for bases which we may not be able to use?

This resolution will, I hope, be speedily adopted to give notice of the Senate's part in the due process of treaty making. It is an extraordinary remedy to safeguard against extraordinary situations. Many who are in this Chamber today were here when agreements were made surreptitiously at Tehran, at Yalta, and at Potsdam. The Senate sat in blissful ignorance while a large portion of the free world was delivered into Russian hands. Stalin's greatest triumph was his simplest conquest, and the constitutional procedures which alone can bind these United States in treaties were totally ignored.

The seeds from which have grown our trials in Germany, our police action in Korea, our indignities at the hands of eastern European nations need never have been sown.

For these many compelling reasons we ask action on this resolution at the ear-

liest possible moment. The grave errors of the past decade must not be permitted to repeat themselves.

Mr. KEM. Mr. President, I ask unanimous consent that I may address the Senate for a few minutes in support of the resolution just submitted by the Senator from Nebraska.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Missouri may proceed.

Mr. KEM. Mr. President, I am glad of an opportunity to join the Senator from Nebraska [Mr. BUTLER] as a sponsor for the resolution submitted by him.

Once again history repeats itself.

In December 1950, only slightly more than a year ago, another crucial conference was under way between the President of the United States and the Prime Minister of Great Britain. Mr. Attlee was then Prime Minister. The negotiations at that time were strikingly similar to those now under way between the President and Prime Minister Churchill.

The conference a year ago was conducted in a supersecret atmosphere. So is the present one.

Among the principal items on the agenda then were supposed to have been the situation in Korea, additional assistance to the faltering British economy, and the challenge of Red China and the Soviet Union. These same items, it is reported, are under discussion now.

Then, as now, the American people learned of the secret negotiations through hand-outs to the press from the White House. Then, as now, press hand-outs were ambiguously phrased, and contained little definite or specific information.

Then, as now, the representatives of the people in the Congress were kept in the dark on the progress and outcome of the far-reaching negotiations. It is a "papa knows best" proceeding in which the Congress and the people occupy the role of minor children.

On December 6, 1950, while the conference between President Truman and Prime Minister Attlee was under way, I submitted, on behalf of myself and 23 other Senators, a resolution similar in purpose to that now presented by the Senator from Nebraska.

The resolution I submitted at that time was designed to accomplish two things:

First, to obtain a full report from the President on the results of the conference between him and Prime Minister Attlee.

Second, to prevent the President from making agreements with the Prime Minister affecting in any important way the course of action of this country, except by treaty entered into with the advice and consent of the Senate, as provided by the Constitution.

Mr. President, those of us who sponsored what has been called "the anti-secret deal resolution" in December 1950, made every effort to have it considered promptly by the Senate. The majority leadership succeeded in blocking our attempts to secure action in the Senate, and the resolution was eventually referred to the Senate Committee on Foreign Relations. There the resolution came to rest in a convenient pigeonhole. It never thereafter came to light.

I had indulged the hope that the Senator from Texas [Mr. CONNALLY], the chairman of the Committee, would interest himself in preserving and strengthening the constitutional functions of the Senate in the field of foreign relations by allowing my resolution to come to a vote in the Senate. In this I was disappointed.

I hope that a different fate awaits the resolution submitted today by my friend from Nebraska. I hope that the majority leadership will now cooperate in efforts to obtain early action on the resolution. I hope the Senator from Texas will not acquiesce in any attempt of the President to bypass the Senate in his latest agreements or arrangements with the British Government. Whether we like it or not, it is the business of the Senate to prevent more Yaltas or Potsdams.

We still know very little or nothing about the agreements reached by the President and Mr. Attlee a year ago. No official report was ever made to the Congress or to the people by the President. At the conclusion of that conference British newspapermen were given to understand at a confidential briefing session held at the British Embassy that Mr. Attlee got everything he came over here to get and that he made no concessions.

Events since indicate that this is substantially true.

The British have continued to receive bountiful, if not efficacious assistance from the United States, further straining our economy.

Yet we now learn that the British gold reserves are again at a perilous low.

The British continue to sell strategic war materials to the Communists who are killing our boys in Korea.

The British still recognize barbarous Red China.

The results of Mr. Truman's secret deals with Prime Minister Attlee are further convincing proof that secret deals are no substitute for a foreign policy openly arrived at within the framework of constitutional government. The war in Korea goes on and on, and the President tells us that "the world still walks in the shadow of another world war."

During and after World War II, our leaders took a so-called calculated risk that they could do business with Stalin. They gambled—and our people lost. As a result, we find ourselves in greater danger than ever before in history. The decision as to how to meet the present crisis must be sound and realistic. We cannot afford to take more calculated risks with the security of our people.

Mr. President, 34 years ago President Wilson announced his famous 14-point peace program. President Wilson's first point was:

> Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

That was good advice then, Mr. President, and it is good advice today. It is time, indeed, for our international relations to be open, aboveboard, and explicit.

The decisions made at the conferences now under way between Mr. Truman and Mr. Churchill will be far reaching in their implications. They may mean life or death for millions of Americans.

The Congress, the elected representatives of the people, must exercise fully its constitutional duties to prevent one man, or a small group of men, from again embarking on a course of disaster.

Article II, section 2, of the Constitution provides:

> The President * * * shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

Webster defines a treaty as "an agreement or arrangement made by negotiation or diplomacy."

If an "agreement or arrangement" results from the diplomatic negotiations now under way, it should be submitted to the Senate for ratification as required by the Constitution.

The fathers, mothers, sons, and daughters of America should know in advance what they are getting into. After all, this is our country. It is the blood of our people that will be shed—a decision reached in accordance with the principles of our Constitution should determine when and where it shall be shed.

Mr. President, as I said a year ago, I have no illusions or delusions as to the superior wisdom of Members of Congress, as individuals, under all circumstances. I do have an abiding faith in our constitutional processes. When a proposed course of action is tested in the crucible of debate on the floor of the Senate or House, reports are carried throughout the Nation via newspaper, radio, and television. Editors, commentators and columnists express their opinions. The people are able to inform themselves as to the pros and cons of the matter under discussion, and to make their decisions known by letters, telegrams, and so forth, to their representatives in Congress.

How much longer will we permit our foreign policy to be a secret, personal substitute for decisions arrived at openly, and representing the considered judgment of the American people?

TITLE TO CERTAIN SUBMERGED LANDS

Mr. CONNALLY. Mr. President, I submit a resolution which I shall read:

> *Resolved*, That the Committee on Interior and Insular Affairs be discharged from the further consideration of the bill (H. R. 4484) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries.

Mr. O'MAHONEY. Mr. President, as chairman of the Committee on Interior and Insular Affairs I wish the RECORD to be quite clear. I do not desire anyone to draw the inference from the submission

of the resolution of discharge by the Senator from Texas [Mr. CONNALLY] that the Committee on Interior and Insular Affairs has been at all negligent in the consideration of what is popularly known as the tidelands problem. I do not know of any issue which has arisen in Congress in many years which is more controversial than this issue. As a matter of fact, the battle to surrender to the States the oil-bearing lands under the open sea has been carried on over a period of almost 10 years, and unsuccessfully.

A few years ago Congress passed a joint resolution which quit-claimed these lands to the coastal States. The joint resolution was vetoed by the President of the United States, and it was not repassed over the President's veto.

Convinced that no such legislation could be passed over the President's veto, I framed a joint resolution during the last session of Congress, and the Senator from New Mexico [Mr. ANDERSON] and I introduced it. It is Senate Joint Resolution 20. It has been called the interim bill.

The purpose of the joint resolution is to permit the Secretary of the Interior to confirm good-faith leases issued by the States on lands under the open sea, so that the operation of the lands may be commenced immediately. It would prevent any delay in development and exploration. The Senator from New Mexico and I introduced the joint resolution on January 18, 1951, approximately a year ago.

In February and March of last year full-scale hearings were held upon the joint resolution, as well as upon a bill, S. 940, which had been introduced by the senior Senator from Florida [Mr. HOLLAND] and 34 other Senators. The bill was very similar to the bill mentioned in the resolution of discharge submitted by the senior Senator from Texas.

As I say, hearings were held on the two measures. The committee voted not to report S. 940, and to proceed with the consideration of the so-called interim bill.

Sometime in March the distinguished Senator from South Dakota [Mr. CASE] introduced a bill, which may be properly called the Federal water lands reserve bill. It is S. 1090. That measure is also before our committee.

On June 7, the distinguished and able Senator from Alabama [Mr. HILL] introduced an amendment, to provide that some of the proceeds from the development of the oil lands under the open sea should be used for the promotion of education.

Early in June the Senator from Louisiana [Mr. LONG] began to urge upon the committee the adoption of certain amendments to the so-called interim bill, which is the joint resolution introduced by the Senator from New Mexico and myself. The committee held numerous sessions, and the amendments were under active consideration.

I venture to say that all the newspaper reporters in the Senate Press Gallery who follow the problem of submerged lands, will testify to the fact that the actions of our committee, as well as its failure to act, were a constant source of news. Publication was made broadside throughout the United States.

In any event, Mr. President, the amendments offered by the Senator from Louisiana, the purpose of which was to increase control by the States, were under consideration.

It was not until August 1951 that the bill mentioned by the resolution of the Senator from Texas came to the Senate. The bill is known as the Walter bill, and is H. R. 4484. After it was passed by the House and sent to the Senate it was referred to the Committee on Interior and Insular Affairs.

All through August and September and in October the Committee on Interior and Insular Affairs considered all the measures relating to this problem in all its various aspects.

An amendment was offered by the Senator from Montana [Mr. MURRAY] to add a new provision to the O'Mahoney-Anderson joint resolution, and that amendment was under discussion before the committee.

The Senator from New Mexico and I made numerous efforts to get the so-called interim bill reported, so that it would be on the calendar and ready for action by the Senate.

The Committee on Interior and Insular Affairs will meet tomorrow, which is its regular meeting day. Not all the members of the committee are in the city. One of them, the Senator from Louisiana [Mr. LONG] has not yet returned to Washington. The Senator from Utah [Mr. WATKINS] has been in Hawaii. Of course, Hawaii is also under the jurisdiction of the committee. Therefore it would be quite impossible to expect the committee to act upon the tidelands problem at its meeting tomorrow.

I want the Senator from Texas to know that it is the purpose of the chairman of the Committee on Interior and Insular Affairs to ask in this session, as he did in the last session upon numerous occasions, that a day certain shall be set down for committee action upon the tidelands problem.

I make the statement merely because I want to be clearly understood upon the record that the submission of a resolution to discharge the committee does not imply any lack of diligence on the part of the Committee on Interior and Insular Affairs.

Mr. ANDERSON. Mr. President, I should like to ask the Senator from Wyoming whether it is not correct to say that every time the problem comes to the attention of the Committee on Interior and Insular Affairs it is necessary for the committee to refer to the Department of Justice and to the Department of the Interior the amendments and proposals which are made, in order to determine whether the Departments are in agreement with the interim arrangement now in effect at Long Beach and elsewhere for the production of oil.

Mr. O'MAHONEY. Whether it is necessary or not, it is the usual procedure to do so, because all members of the Committee on Interior and Insular Affairs desire to know what the point of view of the Government departments having jurisdiction is with respect to any new amendments which are presented.

Mr. ANDERSON. I may say to the Senator from Wyoming that new material continues to be received. Within the last few weeks I have received what purports to be an audit of the accounts of the Long Beach Oil Development Co. I am not able to ascertain whether it is a true copy. If it is a true copy it may make very interesting reading, and perhaps we ought to look further into the matter to see whether all the money now being received is being impounded, or whether the moneys are being set aside for the purposes prescribed. I merely point out that it is a matter which requires a great deal of delicate and careful consideration before we come to a final conclusion.

Mr. O'MAHONEY. The Senator from New Mexico has conferred with the chairman of the committee on the subject. It is far reaching in its implications, and is further evidence of the complex character of the issue, and, I think, of the desirability of enacting an interim bill, so that the oil companies can operate, the oil workers can have employment, the drilling rigs can be set in motion, and the oil can be extracted from submerged land.

Mr. ANDERSON. I certainly agree with the chairman of the committee.

Mr. CONNALLY. Mr. President, I am making no charge against the Committee on Interior and Insular Affairs. However, the Senator from Wyoming has explained very fully why they cannot act. They have been having a great many bills before them. They have not acted. I hope they will act. However, the object of my motion is to get that bill before the Senate and secure some action. The bill passed this body once. It passed the House of Representatives twice. I want to get it before the Senate, so that some action can be obtained on it.

I thank the Senator very much.

The PRESIDING OFFICER. The resolution will lie over, under the rule.

Mr. CONNALLY. That is correct.

The resolution (S. Res. 247), submitted by Mr. CONNALLY, was ordered to lie over, under the rule.

TEMPORARY FREE IMPORTATION OF ZINC—AMENDMENT

Mr. DIRKSEN. Mr. President, I ask unanimous consent to proceed for 1 minute.

The VICE PRESIDENT. Without objection, the Senator may proceed.

Mr. DIRKSEN. Mr. President, last year there was introduced in the House of Representatives—and I address my remarks particularly to the Senator from Georgia [Mr. GEORGE]—a bill by Representative DOUGHTON, House bill 5448, which would provide for the temporary free importation of zinc, as an emergency measure. When the bill was drawn there was some inadvertence in the language, so that in part, at least, it would defeat the real purpose of the bill.

The bill provided that—

The import duties imposed under paragraphs 393 and 394 of title I of the Tariff Act of 1930 * * * shall be suspended.

The bill states that, besides zinc ores and slab zinc, all zinc products and zinc scrap shall be affected. There is no shortage of zinc products that could not be remedied by additional concentrates for our domestic smelters. The free importation of zinc products would adversely affect the result desired by the introduction of the bill. Foreign sources would prefer to ship in the products, and the low rates of imports of zinc ores would be further curtailed.

I have conferred with the Department of the Interior in connection with the subject.

The bill is now pending on the calendar. When it was called up last year there was objection because it went so far as to include all kinds of products rather than simply ores and concentrates.

I very respectfully invite the attention of the Senator from Georgia to the matter, because it is a question for the consideration of his committee.

Mr. President, I submit an amendment intended to be proposed by me to the bill (H. R. 5448) to provide for the temporary free importation of zinc.

The VICE PRESIDENT. The amendment will be received and printed, and will lie on the table.

Mr. GEORGE. Mr. President, I desire to say that I do not know what the purport of the amendment is, but I am most anxious to have the bill, in fact, the two bills, with reference to lead and zinc, taken up for consideration after the action on the pending measure is completed. I should be very glad to examine the amendment referred to and to bring it to the attention of the committee on next Thursday morning.

COMMISSION TO STUDY RELATIONS WITH OTHER NORTH ATLANTIC NATIONS—ADDITIONAL COSPONSORS OF BILL

Mr. GILLETTE. Mr. President, the bill clerk is having printed a corrected copy, a star copy, of Senate bill 2269 to create a Commission To Study Relations Between the United States and Other North Atlantic Nations. Inasmuch as the bill is being reprinted, I ask unanimous consent that there be included in the list of sponsors of the bill the names of the Senator from Mississippi [Mr. STENNIS] and the Senator from Michigan [Mr. MOODY].

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

TREATY OF AMITY AND ECONOMIC RELATIONS WITH ETHIOPIA—REMOVAL OF INJUNCTION OF SECRECY

The VICE PRESIDENT. As in executive session, the Chair lays before the Senate Executive F, Eighty-second Congress, second session, a treaty of amity and economic relations between the United States of America and Ethiopia, together with two exchanges of notes relating thereto, signed at Addis Ababa on September 7, 1951.

Mr. CONNALLY. Mr. President, as in executive session, I move that the injunction of secrecy be removed from the treaty, and that the treaty, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

The President's message, together with the treaty, was referred to the Committee on Foreign Relations, and the President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty of amity and economic relations between the United States of America and Ethiopia, together with two exchanges of notes relating thereto, signed at Addis Ababa on September 7, 1951.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the treaty.

HARRY S. TRUMAN.

THE WHITE HOUSE, *January 14, 1952.*

(Enclosures: (1) Report of the Secretary of State; (2) treaty of amity and economic relations, and two exchanges of notes, signed to Addis Ababa September 7, 1951.)

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. O'MAHONEY:

Address entitled "Problem of a Defense Economy: Pressure Groups Versus Social Justice," delivered by him in Boston, Mass., December 29, 1951, at a meeting of the Catholic Economic Association.

By Mr. MARTIN:

Address delivered by him at the silver anniversary dinner of the Rotary Club of Bedford, Pa., on October 29, 1951.

Newspaper release issued by him under date of October 23, 1951, dealing with an address delivered by him before the national convention of the Military Order of the World Wars at Valley Forge Military Academy.

Newspaper release issued by him under date of October 24, 1951, dealing with an address delivered by him at the annual conference of the National Guard Association of the United States.

Article entitled "Cloud Lifts After 4 Years for Cleared G-Girl—Now She Can Shop Around for a Husband," written by Robert Roth, and published in a recent issue of the Philadelphia Bulletin.

By Mr. GILLETTE:

Article entitled "Last Call for Sanity" discussing universal military training, written by Alonzo F. Myers, and published in the Progressive for January 1952.

By Mr. SMITH of North Carolina:

Article entitled "Dunn, N. C., Named Model OPS Town," written by Bryan Haislip, and published in the Washington Post of January 13, 1952.

By Mr. SCHOEPPEL:

Editorial entitled "How Much Government Will We Manage and Support?" published in the Kansas Government Journal of January 1952.

Article by George Sokolsky dealing with the European situation as it relates to our defense activities, published in the Washington Times-Herald of January 14, 1952.

By Mr. LEHMAN:

Editorial entitled "The AMA on Health," published in the Washington Post of January 8, 1952.

By Mr. THYE:

Article entitled "The Moral Strength of Capitalism," written by David Lawrence and published in the United States News and World Report of January 11, 1952.

By Mr. WILEY:

Memorandum and editorials dealing with the proposed construction of an all-Canadian St. Lawrence seaway project.

TRIBUTE TO SENATOR O'CONOR

Mr. BUTLER of Maryland. Mr. President, I ask unanimous consent to address the Senate for 1 minute.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. BUTLER of Maryland. Mr. President, I note with great regret that my senior colleague, Hon. HERBERT O'CONOR, has determined not to run for reelection. While, as Senators know, he is a Democrat and I am a Republican, I am nevertheless compelled to say that in my opinion he has done an excellent job during his service in the Senate, and that our State and the people of the country generally will lose a good legislator at the end of the present session.

I wish him every success which I know he will have. He has been completely honest and fearless in the discharge of his duty as a Member of this great body, and I know that all Senators share with me regret upon his leaving.

HOME RULE FOR THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (S. 1976) to provide for home rule in the District of Columbia.

Mr. CASE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Connally	Green
Anderson	Cordon	Hayden
Bennett	Dirksen	Hendrickson
Brewster	Douglas	Hennings
Bricker	Duff	Hickenlooper
Butler, Md.	Dworshak	Hill
Butler, Nebr.	Eastland	Hoey
Cain	Ecton	Holland
Capehart	Ellender	Humphrey
Carlson	Ferguson	Hunt
Case	Frear	Ives
Chavez	George	Jenner
Clements	Gillette	Johnson, Colo.

Johnson, Tex.	McKellar	Smathers
Johnston, S. C.	McMahon	Smith, Maine
Kefauver	Millikin	Smith, N. J.
Kem	Monroney	Smith, N. C.
Kilgore	Moody	Sparkman
Knowland	Morse	Stennis
Langer	Neely	Taft
Lehman	Nixon	Thye
Magnuson	O'Mahoney	Tobey
Malone	Pastore	Underwood
Martin	Robertson	Welker
Maybank	Russell	Wiley
McCarthy	Saltonstall	Williams
McClellan	Schoeppel	
McFarland	Seaton	

Mr. JOHNSON of Texas. I announce that the Senator from Connecticut [Mr. BENTON], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. KERR], the Senator from Montana [Mr. MURRAY], and the Senator from Maryland [Mr. O'CONOR] are absent on official business.

The Senator from Virginia [Mr. BYRD] is necessarily absent.

The Senator from Louisiana [Mr. LONG] and the Senator from Nevada [Mr. MCCARRAN] are absent by leave of the Senate.

Mr. SALTONSTALL. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Vermont [Mr. FLANDERS], and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

The Senator from South Dakota [Mr. MUNDT] is absent on official business.

The Senator from Utah [Mr. WATKINS] and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The VICE PRESIDENT. A quorum is present.

Mr. KEFAUVER. Mr. President, the unfinished business is Senate bill 1976, introduced by the Senator from South Dakota [Mr. CASE] and other Senators to provide home rule for the District of Columbia. Senate bill 1976 proposes to redeem the pledges made by the Republican and Democratic Party platforms, to extend the right of suffrage and self-government to the residents of the District of Columbia. Approximately 850,000 Americans, living at the seat of Government of our country, are presently denied the democratic privileges which we seek to develop and extend to all the people of the world. Why should not those 850,000 Americans enjoy the benefit of our system of government, and of rights given to all other Americans under the Constitution of the United States? Why should the people of the District be deprived of control over their own local affairs?

This measure represents a reconciliation of the divergent views of the Democratic and Republican members of the Senate Committee on the District of Columbia. It is in no sense a partisan measure. It is principally sponsored by the ranking Republican member of the Committee on the District of Columbia, the distinguished Senator from South Dakota [Mr. CASE]. Joined with him are 21 other Senators, from both parties, and representing all sections of the country.

In the first session of the present Congress there was introduced substantially the same bill which passed the Senate in the last Congress, which was known as the Taft-Kefauver bill. That bill was brought up in the Senate District Committee early in the last session, and because of a tie vote of 6 to 6, it was not reported.

At that time the Senator from South Dakota [Mr. CASE] had another proposal pending, in the form of a bill. There were consultations among the distinguished chairman of our committee, the Senator from West Virginia [Mr. NEELY], the Senator from South Dakota, and myself. The Senator from West Virginia, who has repeatedly demonstrated his fervent interest in this matter, and the Senator from South Dakota who has shown a real devotion to the interests of the people of the District worked arduously and contributed largely to the final result. Together with Mr. Van Arkel, the counsel of the Senate District Committee, and Mr. Albrook, representing the minority, we undertook to work out a reconciliation of the differences between the two versions which were presented, for the purpose of arriving at a bill which could be reported from the Senate District Committee, and which would give the people of the District of Columbia substantial home rule and the right of suffrage.

The bill which is now before the Senate is in some respects, I think, an improvement over the original Kefauver-Taft bill, which was passed at the last Congress. There is little to be gained by discussing the question whether it is better to have a council-manager form of government, as was proposed in the Taft-Kefauver bill, or a mayor with a council, as provided in Senate bill 1976. It is not important to discuss whether members of the council should be elected at large, as was provided in the bill we had before us in the previous session, or whether they should be elected from districts within the city.

There are other differences between the two bills which may be pointed out later. The important thing is that we should enact an effective measure to enable the people of the District of Columbia to have suffrage and home rule. There were some parts of the other bill which I preferred, but this is no time for depriving the people of the District of Columbia of suffrage because of some minor difference of opinion. It is time to reconcile differences and to recognize the larger issue, namely, that we must not continue to deprive the people of the District of Columbia of rights enjoyed by other Americans, rights which are fundamental to American citizenship.

I congratulate Mr. Van Arkel and Mr. Albrook, for their part in reconciling differences and bringing forth a bill upon which Republicans and Democrats on the District of Columbia Committee could agree.

The scheme of this bill is simple. It would give the District of Columbia a form of government largely similar to that previously extended to the Territories of the United States. The Territorial forms of government have worked well. Congress rarely has to trouble itself with the legislative problems of the various Territories. Enactments of the Territorial legislatures are filed with the committees of Congress; but, during the 13 years I have been a Member of Congress, I cannot remember when any legislative enactment adopted by a Territorial legislature has been upset by the Congress of the United States, although we have the right to amend, to nullify, or to change any legislative enactments by the Territories.

The bill provides for a mayor, to be appointed by the President for a 4-year term, with the advice and consent of the Senate. It recognizes the interest of the District residents in the conduct of their own affairs, by creating 3 classes of elective officials. The first is a council of 15 members, 3 to be elected from each of 5 wards by voting at large. The District council is to be entrusted with the legislative authority over District affairs now exercised by the Congress.

Second, the bill would create an elective Board of Education of five members, one from each ward, to be elected at large. This board would assume the functions of the present appointive Board of Education.

Third, the residents of the District would be entitled to elect a District delegate, who would have the powers in the House of Representatives normally exercised by Territorial delegates. This is a provision in the bill which was not included in the Kefauver-Taft bill, because it was our feeling at that time that the matter of representation in Congress should be handled as a separate matter. I have always favored a nonvoting District delegate, pending the time when the people of the District are to have national representation in the Congress, which would necessitate a constitutional amendment. I believe that should be the next order of business, after the home rule bill is put into effect.

Those of us who have served in the House of Representatives, as well as Members of the Senate who have had contact with the distinguished delegates from Hawaii, Alaska, and Puerto Rico know that they perform a very excellent function in interpreting to the Congress the needs and problems, the aims and ambitions of the people of the Territories which they represent. The Territories have always sent men of fine, outstanding ability to be their Territorial delegates. I believe that a very important part of this bill—and I am glad it has been included in the bill—is the provision for a nonvoting delegate. That provision alone will certainly relieve Members of the House and Senate of the burden of much work.

The bill provides a system of checks and balances appropriate to so important a metropolis. The mayor may veto acts of the District Council, and the District

Council, by a vote of two-thirds of its members, may override such veto. The bill makes no changes in the judicial branch of the District government.

Careful safeguards are contained in the bill to protect the financial status of the District. Long-term borrowing may not exceed 5 percent of the valuation of assessed property in the District of Columbia. Moreover, bonds may be issued only upon a favorable vote of a referendum of District voters. Short-term borrowing is limited to 5 percent of appropriations for any current fiscal year, in the absence of unappropriated available revenues, or 20 percent in anticipation of revenues for any current fiscal year.

In contrast with other recent bills providing for District home rule, this bill does not change the District government organization below the top level. It does, however, give the District government the power to reorganize itself.

In the Taft-Kefauver bill of the past session there was provided a detailed reorganization of the government of the District of Columbia, and of the 120-odd departments and agencies with overlapping jurisdiction. They were abolished, and there was set up a system of 10 functional departments, with all of the work and functions of the government of the District grouped under the 10 departments. The reorganization was carefully worked out. I felt that it was a good program. There was not much objection to it. However, in the pending bill detailed reorganization is omitted, the feeling being that the new council ought to agree upon its own reorganization, and work it out after it has been functioning. It is a matter of a difference of opinion. However, it is important at this time to give substantial suffrage and home rule to the people of the District, and I am willing to go along with any compromise, or to abandon any particular idea I may have had, in order to provide substantially what the people of the District of Columbia are entitled to have.

The constitutionality of this bill is not open to real question. As I have said, the form of the proposed government is based on the Territorial model. History and judicial decision uphold the delegation of legislative authority to Territorial legislatures. What Congress can do in creating governments for Territories, it can do for the District. Although this point has never come directly before the Supreme Court for decision, this, in effect, is the position of the Court as expressed in the last opinion which touched on the subject—*Binns v. United States* (194 U. S. 486, 491). Congressional committees studying District home rule have received the opinions of many authorities on the constitutionality of various proposed forms for the delegation of authority. A few doubts were expressed as to previous proposals for delegating general legislative authority subject to a veto by one or both Houses of Congress. The opinion that a full delegation would be constitutional was, however, practically unanimous. Even the general counsel of the Washington Board of Trade, the arch enemy of all home-rule legislation, gave an opinion in 1948 that such a type of delegation would be proper.

Mr. President, I call attention to the fact—as was so well pointed out in the editorial entitled "Give Us Home Rule," published in today's issue of the Washington Post—that it was recognized in Madison's remarks, during the Constitutional Convention, that nothing in the Constitution would be construed to prevent the people of the District of Columbia from having a local legislature. The editorial states further:

> But more conclusive are the facts that the local governments of Georgetown and Alexandria (then in the District) continued to function after the District became the seat of the Federal Government and that Congress gave the new municipality of Washington an elected government which lasted in one form or another until 1874. What was constitutional from 1800 to 1874 has not become unconstitutional now. On the contrary, the wide experience of Congress with Territorial government in more recent years has pointed the way for delegation of broader powers to a District home-rule government, and we are glad that the Kefauver-Case bill has taken advantage of this fact.

Of course, under the bill Congress retains the ultimate legislative authority, both in the Territories and in the District. Thus, it will have the power to step in at any time and pass laws for the District which may even reverse action previously taken by the District government. This power Congress cannot relinquish, except by constitutional amendment; and to make the situation clear, the bill expressly reserves it. This authority is the immutable guaranty of the protection of the Federal interest in the Nation's Capital.

I also point out, Mr. President, that under the Kefauver-Taft bill, the particular interest of the Federal Government in the District of Columbia was recognized and protected by two members of the council, appointed by the President of the United States, with the advice and consent of the Senate.

Under the Case bill, the Federal interest is recognized by the appointment by the President of a mayor for a term of 4 years, who would be the titular head of the District of Columbia government, and who would be appointed by the President with the advice and consent of the Senate. The mayor would have the right to veto actions of the 15-man council, and his veto could be overridden by a two-thirds' majority, or by the vote of 10 members of the council.

At the same time, the existence of this power does not negate the home-rule character of the bill. It is similar to that which most States have in relation to their municipalities. It is the same power which Congress retains in relation to Alaska, Hawaii, and Puerto Rico. Opponents of the bill have seized on this point to claim that it will destroy the effectiveness of legislation adopted by the District government; in particular, that it means that a District bond issue could be repudiated by Congress at any time; and that District bonds will, therefore, be unmarketable.

In the first place, this seems a rather fanciful argument. It is hard to imagine why Congress should wish to destroy the credit of one of its agencies by repudiating bonds legally issued. I know of no precedent for such action by Congress.

In the second place, such repudiation would undoubtedly subject the United States to suit in the same way that a congressional repudiation of Housing Authority bonds would.

Mr. President, I also point out that under authority granted to governmental corporations by acts of Congress, such as to the Tennessee Valley Authority and many other authorities and corporations, which have been created by Congress, and which have issued bonds, Congress could change the law, and could conceivably repudiate such bonds. However, it has never happened. Such bonds have always had a very good market.

In the third place, if there were any validity to the argument, one would expect the Territories, which are in the same position as the District would be, to have difficulty in marketing their bonds. What is the record? The report of the treasurer of Puerto Rico for the fiscal year ending June 30, 1950, gives the answer. During that year the government of Puerto Rico sold $18,000,000 worth of bonds, and the bulk of the bonds were sold in the continental United States. The average rate of interest paid on those bonds was 1.94 percent. Thus it is evident that the bond-buying public is not scared by the theoretical possibility of congressional revocation.

The local opposition to the bill is largely centered in the Washington Board of Trade, an affluent and vocal, but extremely limited, organization. The vast majority of Washington residents are in favor of home rule as they are in favor of self-government and the right to vote in all parts of the United States. Seventy percent of the 170,000 votes cast in a 1946 plebiscite favored home rule. A professional poll conducted by the Washington Post among representative Washingtonians in December 1947 resulted in a similar 70-percent vote in favor of home rule. Local organizations with far wider coverage than the Board of Trade have again and again gone on record in favor of home rule. The Federation of Citizens Associations, with 70 percent member associations from every neighborhood in the District, has repeatedly endorsed the proposal. The Federation of Churches, the District of Columbia Federation of Women's Groups, the District of Columbia League of Women Voters, and the local organization of the Young Republicans, the Young Democrats, the American Federation of Labor, the Congress of Industrial Organizations, the American Veterans of World War II, and numerous other local groups, are united in seeking home rule for the District.

Mr. President, during the 3 years that I have had the pleasure of serving on the Senate Committee on the District of Columbia, I have noted the enthusiasm with which representatives of these organizations and citizens generally come before the committee and, in the face of discouragement, seek again and again the right to vote and the right of local self-government. This is certainly persuasive that the great, intelligent citizenship of the District of Columbia not only actively and strongly want home rule and suffrage, but they will make a great and a fine success of it if they have the opportunity. The people of the District of Columbia on the average have a high degree of intelligence; they have ability, and they will make democracy work well here in the District of Columbia if they are given the opportunity.

Home rule for the District of Columbia has national support also. In addition to the planks in the platforms of the two major parties, this is indicated by a 1948 Gallup poll in which 77 percent of the American public was reported as favoring District home rule. Mr. President, it is time that we took some action to carry out this plank of the two major political parties. Over a period of many years the people of the District of Columbia have been promised home rule and suffrage in one form or another by the platforms of our two great, national political parties. The representatives of those parties in the District of Columbia have urged and pleaded and petitioned the Members of Congress to carry out those planks in the party platforms. I hope that here in the Senate on this occasion we shall validify those planks of the platforms which were adopted by both of our great political parties.

Mr. President, included among the national organizations which also are giving their endorsement to the move for home rule in the District of Columbia are the Congress of Industrial Organizations, The American Association of University Women, the League of Women Voters, the American Veterans of World War II, and others.

As can be seen from this example, the opposition, such as it is, has been grasping at straws to criticize the bill. One specious argument which often is made is based on the desire for national representation. It runs like this: "Home rule will not give the District the full rights of self-government. It must also have representation in Congress and the right to participate in presidential elections. Therefore, the District should have home rule only when it also gets national representation." Since national representation requires a constitutional amendment, Mr. President, acceptance of this proposition will postpone home rule indefinitely. That is its purpose. The persons who voice this argument have never attempted to explain why it is better to have no meat if you cannot have dessert, and of course there is no explanation. It is their aim to repeat this argument so often that, like Hitler's big lie, it finally wins uncritical acceptance.

Furthermore, Mr. President, the history of our Territories which finally have achieved national representation shows that national representation has always come after the Territory has had home rule and a Territorial government. First, after the Territories have obtained home rule and after they have established a Territorial government, they have shown that they can govern themselves, and that they can vote intelligently. They have built themselves into self-governing Territories, and then have applied for statehood, under which they have obtained national representation and the right to vote in Presidential elections. That is the course which was followed in the case of all the States which were admitted after the first 13; and that is the course which will have to be followed by the District of Columbia if it ever obtains national representation, which I very much hope will be obtained some day.

Mr. President, the pending bill will remedy a flagrant injustice now imposed upon almost a million of our fellow citizens. For almost 75 years they have been without those elementary civil rights which our Nation affords to all, except those who are mentally incompetent or have been convicted of a felony. The citizens of the District pay taxes, but they have no voice in the decision of their problems.

The total number of persons who live in the District of Columbia is greater than the combined populations of the States of Montana, Nevada, Idaho, Wyoming, and perhaps one other State. What a great pity it is that the situation of the residents of the District of Columbia has for so long a time remained unremedied, insofar as concerns the elemental rights which are provided in the pending bill.

Mr. President, this great city of Washington, D. C., should stand as a model for democracy throughout the world. The pending bill will achieve that objective. Let me state that this bill has a most important bearing upon our international affairs. Washington, D. C., is the only Capital City in the free world in which the people have no right to vote and no right of self-government. Through the course of events the United States is standing as the greatest democracy in the world. Not only must we make democracy work in our own country, but we must persuade the other democratic peoples that it is in their interest to follow the course we are following. There is no way by which we can avoid the position in which we have been placed. We did not seek it; we did not choose it; but there is no other country to lead. If democracy in the world is going to be successful, if world war III is to be prevented, that result will be achieved largely through the leadership of the people of the United States of America.

It is most necessary that we have sufficient arms and armaments in order to be able to protect ourselves, and it is most necessary that we join with other nations in building our defenses against the threat of Communist aggression. I have voted for all those programs, and we have our shoulders to the wheel in making munitions of war for our protection. But, in addition to that, I have the firm conviction that over the long pull and in the long run, if our leadership is to be successful, it must depend not alone on military might, but also on political and moral and economic leadership. Our great job is to convince the tens of millions of neutral people in the world, and even eventually to get a persuasive message to the plain people behind the iron curtain, that democracy is the best way by which they can attain their legitimate aspirations for better opportunities, better homes, better economic chances, and a real measure of liberty. I believe that the fact that we have not given the people of the District of Columbia, the 850,000 people who live here, the right of self-government and the right of suffrage has not helped our cause and our position of leadership in the world. What a strong argument it would be for a working democracy if we could show that democracy works so well that we wish to extend it to the people who live in the District of Columbia. That would have an excellent result in helping us to win the minds of men all over the world.

Last of all, it has always been so, but it is more true today than it has been in the past, the Members of the House of Representatives and the Members of the Senate are sorely pressed for time in which to consider the many serious problems and proposals confronting them on the economic front and the great and difficult problems affecting our relations in international affairs, all of which come before us today with increasing rapidity and increasing importance. We simply do not have sufficient time to give to the government of the District of Columbia. Congress is not a satisfactory group to serve as a substitute for local self-government; and, with all the present problems we have before us, we simply cannot give to District of Columbia legislation the time it deserves. All of us know that it does not help our standing in our own districts or our own States to serve on the District of Columbia committees. We know that the problems coming before us from our own States must be attended to first. Yet we have been holding on to jurisdiction and control of the government of the District of Columbia, although we are unable or unwilling to give it the time it deserves.

For all these reasons, Mr. President, I hope that the minute details and arguments in regard to this provision or that provision of the pending proposal may be considered in the light of the over-all prevailing need to make a start in bringing about suffrage and home rule for the District of Columbia. Each one of us has his theories in regard to which system or which method of government is the best. All kinds of arguments along

that line can be presented. However, the important thing is to make a start in providing home rule for the District of Columbia. The people of the District of Columbia are willing to have home rule, and they want to make a success of it.

After home rule is provided for the people of the District of Columbia, if it is found that certain provisions do not work well, they can be improved in the light of experience. Provisions can be changed in order to bring them into line with what experience teaches us to be best.

So, Mr. President, I believe that we owe it to ourselves, we owe it to the people of the District of Columbia and the people of the United States of America, we owe it to our great American institutions and principles, and we owe it as a message of cheer to other peoples who wish to embrace the democratic cause, to pass this bill and do what we can to give home rule and suffrage to the people of the District of Columbia.

I now yield the floor.

ACTION OF HUNGARY IN THE CASE OF CERTAIN AMERICAN FLIERS

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed in the body of the RECORD as part of my remarks a letter addressed by me to the President of the United States under date of January 10, 1952, dealing with the holding for ransom of four American fliers, which resulted in the final payment of the extortion, in which letter I made certain suggestions regarding the cutting off of trade with Hungary as a result of that occurrence; also a State Department release dated December 26, 1951, another dated December 28, 1951, and a final one dated December 29, 1951; together with certain figures I have recently secured from the Department of Commerce showing the exports to and the imports from Hungary which trade, if my recommendation to the President were followed, would be cut off.

There being no objection, the letter, State Department releases, and Commerce Department figures were ordered to be printed in the RECORD, as follows:

JANUARY 10, 1952.

Hon. HARRY S. TRUMAN,
President, United States of America,
The White House,
Washington, D. C.

DEAR MR. PRESIDENT: On November 19 an American plane was off course and its four occupants were seized by the Hungarian Government. Subsequently, the four United States airmen were tried by the Government of Hungary and were convicted of violating the Hungarian frontier. The airmen were filed $30,000 each which was paid by the Government of the United States to Hungary.

As a retaliatory measure, this country ordered the closing of two Hungarian consulates in this country and instructions have been issued forbidding the travel of American citizens in Hungary.

This latest act is only one of a series of indignities which the Communist-dominated governments have perpetrated on the United States, and if the actions of blackmailers (international or otherwise) run true to form, the actions will continue until such time as they are made to realize that they will be made to suffer the consequences.

If we recall the cases of Robert Vogeler and William Oatis, the ransom demands made by the Chinese Communists on the Chinese Americans of this country and the more than 30 American citizens which the Chinese Communist Government are holding as hostages at the present time, it must be amply clear that the steps which this Government has taken in the past have not been a sufficient warning that we will insist on protecting our citizens under the rules of international law and common decency.

I would recommend that the Department of State be immediately instructed to advise the Government of Hungary that section 5 of Public Law 50, Eighty-second Congress, "an act to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended, and for other purposes," will be immediately implemented by withdrawing all reductions in any rate of duty which has been granted. Since there is no question but that the Government of Hungary is dominated or controlled by the world Communist movement, there are no reasonable grounds why such action could not and should not be immediately taken.

In addition to the above, I also recommend that the Department of State and/or the Department of Commerce be immediately instructed to withhold all export licenses to Hungary.

As the third and final step I recommend that diplomatic representatives be withdrawn from Hungary and that the United States take the necessary action to withdraw our recognition from that country.

I am firmly convinced that if this country takes sufficiently strong action to impress upon Communist-dominated countries that they will be held strictly accountable for their illegal acts, that such illegal acts will not occur in the future. However, if they are allowed to successfully pursue their acts of extortion, their appetite will become more difficult to satisfy and their demands will increase. Certainly the reaction of the American people indicates that they are seriously disturbed. The official State Department action of closing the two Hungarian consulates and restricting Americans travel in Hungary cannot be considered as anything but a slap on the wrist since all of the Hungarian business can be transacted through their Legation in Washington, D. C., and few, if any, American citizens avail themselves of the privilege of traveling in Hungary.

Very truly yours,

WILLIAM F. KNOWLAND.

DECEMBER 26, 1951.

Since the United States Air Force plane was forced down in Hungary on November 19, it has been the constant and urgent endeavor of the United States Government to obtain the release and return of the four United States Air Force flyers. The announcement on December 23 of their trial by a Hungarian military court and the assessment against them of fines or 3 months in jail created a new situation. It remains the primary policy of the United States Government to seek their release.

The American Chargé d'Affaires in Budapest has since December 24 had three meetings with officials of the Hungarian Foreign Office in connection with the release of the flyers. Under instructions he has indicated that, provided the flyers are released promptly, this Government will pay the fine imposed on them. Allegedly because of the holidays, the Hungarian Foreign Office has been unable to provide either an official copy of the Hungarian court record or any statement as to the time and manner in which the flyers would be released to American authorities.

DECEMBER 28, 1951.

STATEMENT BY SECRETARY OF STATE DEAN ACHESON

Every American will be relieved that the four American flyers are now safely in our hands. But underlying relief is a deep current of indignation over the treatment they have received.

The American people are rightfully indignant. Because we value the welfare of the individual above all else, we have paid the so-called fines. But we have not paid willingly, and we state clearly, in order that there may be no misunderstanding of our attitude in the future, that our patience is not inexhaustible.

In this whole performance the Budapest regime has ignored the basic rules of long-established international conduct.

Repeated requests were made to the Hungarian authorities to permit American officials to visit the airmen. No such access was allowed either before trial or subsequently when the request was renewed. In the circumstances, in view of the refusal of the Hungarian authorities to permit American officials to exercise this normal right, which is basic to the extension of customary consular protection to American citizens abroad, the United States Government will no longer validate the passports of American citizens for travel in Hungary. Furthermore, since the reciprocal basis of the exchange of consular privileges has been nullified by Hungary, this Government is also notifying the Hungarian Legation in Washington that the Hungarian consulates in this country, which are located in Cleveland and New York, should be closed immediately.

Any further statement on this matter must await the opportunity to talk with the released airmen.

DECEMBER 29, 1951.

UNITED STATES NOTE ON CLOSING OF HUNGARIAN CONSULATES

On December 28 the United States delivered the following note to the Hungarian Legation in Washington with reference to the detention in Hungary of four members of the United States Air Force:

"DEPARTMENT OF STATE,
"Washington, December 28, 1951.

"The Government of Hungary in this instance has again clearly failed to live up to the accepted standards of international practice with regard to the right of consular officers to exercise protective functions in behalf of nationals of their country. The detention of four Americans from November 19, 1951, to December 28, 1951, and the refusal by the Hungarian Government, despite repeated requests of the American Chargé d'Affaires, to permit any access to them or communication with them on the part of American consular officers indicate that the Hungarian Government continues, as in previous cases, to place serious restrictions on the exercise of normal consular rights by United States representatives in Hungary.

"In these circumstances the Government of the United States is not prepared to permit the continued operation of the Hungarian consulates general in Cleveland, Ohio, and New York, N. Y. The Minister is accordingly informed that these offices are required to cease all operations immediately and to be closed by midnight, December 31, 1951."

United States trade with Hungary, January to June 1950 and 1951, and quarterly, July 1950 to September 1951 and October 1951, by commodity groups and principal commodities

[Value in thousands of dollars]

Commodity	Unit of quantity	January to June				Quarterly value				Third	October 1951	Total January to October 1951
		Quantity		Value		1950		1951				
		1950	1951	1950	1951	Third	Fourth	First	Second			
EXPORTS, INCLUDING REEXPORTS, TOTAL				3,153	606	93	230	99	507	18	(2)	624
EXPORTS, UNITED STATES MERCHANDISE, TOTAL[1]				3,153	606	93	230	99	507	7	(2)	613
Tallow, inedible	1,000 pounds		2,188		406				406			406
Feathers, crude	do		12		6			2	4			6
Buckwheat	Bushel[3]		4,118		14				14			14
Soybean oil, edible	1,000 pounds						6					
Beans, dry, ripe	do	21		6								
Red top grass and field seeds	do		110		44			44				44
Cigarettes	Million	110		369								
Hop products	1,000 pounds		4		14		18	14				14
Cotton, raw, except linters	1,000 bales	16		2,435								
Industrial lubricating oils	Barrel[4]		707		14			14				14
Machinery and vehicles				77	20	29	9	20	(2)	[5] 2		[5] 22
Electrical machinery				14	2	(2)	3	2				2
Industrial machinery				26	13	15	4	13				13
Automobile parts for replacement except spark plugs and leaf springs.				14	(2)	11	1	(2)				(2)
Penicillin	100 million Oxford units.	5,017		142			48					
Streptomycin	1,000 grams	77		34		12	23					
Commodities exported for relief or charity.				46	80	28	118		80			80
All other exports of United States merchandise.				44	8	24	8	5	3	[6] 5	([7])	[6 7] 13
Reexports, total						(2)	(2)			[8] 11		[8] 11
GENERAL IMPORTS, TOTAL				792	1,389	503	570	679	709	890	68	2,346
IMPORTS FOR CONSUMPTION, TOTAL[9]				788	1,316	549	584	508	808	[10] 21	95	2,332
Foodstuffs				96	446	20	14	70	376	40	[10] 8	[10] 494
Tomato paste and tomato sauce	1,000 pounds		3,274		424			58	366	18		442
Paprika, ground	do	157		53		8						
Wines	Gallons	1,893	1,384	7	6	3	5	2	4	8	1	15
Animal and products, inedible				476	465	151	329	232	234	284	30	780
Furs and manufactures				89	8	27		(2)	8	12		20
Hare fur, undressed	Thousands	228		87								
Feathers, crude	1,000 pounds	213	162	337	411	113	278	216	195	267	28	706
Vegetable products, inedible				31	181	298	153	111	70	498	24	703
Oilseeds					98			41	55			96
Seeds, except oilseeds				14		271	23			480	19	499
Clover	1,000 pounds	22		9		236	16			480	19	499
Vetch	do	66		5		32						
Drugs, herbs, leaves, roots, etc				7	11	18	12	5	6	8	5	24
Textiles and manufactures				25	64	9	25	23	41	21	11	96
Cotton manufactures				17	61	8	17	21	40	15	11	87
Wood and paper				9	29	11	18	11	19	17	2	49
Glass and glass products				58	11	9	7	11	(2)	3	1	15
Clay and clay products				20	48	20	15	18	31	19	3	71
Metals and manufactures				6	3	3	1	1	2	7	1	11
Chemicals and related products				30	17	5	5	8	9	5		22
Books, maps, pictures and other printed matter				12	37	19	12	15	22	20	11	68
Art works and antiques				12	8	3	2	4	4	4	3	15
All other imports				13	7	1	3	4		3	1	8

[1] Commodity data are exports of United States merchandise.
[2] Less than $500.
[3] 48-pound bushel.
[4] 42-gallon barrel.
[5] Parts for accounting machinery, $1,658.
[6] Nylon hosiery, women's and children's, $4,800 (600 dozen pairs).
[7] Lamb and sheep, dressed or dyed $283, and other fur manufactures, $200.
[8] Women's jewelry, except gold or platinum, $10.475.
[9] Commodity data are imports for consumption.
[10] Includes cordials, liqueurs, kirschwasser, and ratafia, $5,834.

INCREASED UNEMPLOYMENT CAUSED BY ALLEGED PRODUCTION BOTTLENECKS

Mr. MORSE. Mr. President, I wish to take about 5 minutes of the Senate's time this afternoon to read a letter addressed by me to the chairman of the Preparedness Subcommittee of the Armed Services Committee, which letter I am releasing today. I desire to make a few brief comments at the time of the release of the letter. The letter reads:

JANUARY 11, 1952.

Hon. LYNDON B. JOHNSON,
Chairman, Preparedness Subcommittee, United States Senate, Washington, D. C.

DEAR SENATOR JOHNSON: For some time past I have been greatly disturbed by growing unemployment in our country caused by alleged defense production bottlenecks. I think the matter has become so serious that our Preparedness Subcommittee should conduct an investigation into this matter at once.

I have in mind not only the very critical unemployment situation which is developing in Detroit and other automobile and civilian machinery manufacturing centers, but I have also in mind the growing unemployment in many smaller population centers where the economic health of the day-by-day economy is dependent upon full employment in the many small manufacturing plants located in the many small towns of the United States.

I am afraid it is true that those in charge of our defense production program have not been paying enough attention to the production problems of small plants in our country. For instance, it appears that in letting large defense contracts to large companies they have not required the letting of subcontracts to small concerns for part of the work, thus assuring not only a speeding up of the production of the defense goods needed but also guaranteeing a greater stability of employment across the country.

In my recent trip through the western part of the United States I ran into a great amount of dissatisfaction with the way defense contracts are being handled, the charge being made frequently that many small machine shops and other manufacturing plants are being squeezed out of operation because they cannot get the necessary critical materials for civilian production, and at the same time cannot get any consideration from the Defense Production officials in respect to obtaining subcontracts on defense work.

It seems to me that our committee owes it not only to these employers and the workers, but to the American people generally to find out if improvements cannot be made quickly in the letting of defense contracts, to the end that the full manpower and machine productive force of our country can be put to work on the defense program, rather than have a very important segment of it thrown

out of work and production, as seems to be the trend at the present time.

Furthermore, I think we should look into the allocation of critical materials as between civilian and defense production plants. Every patriotic American will certainly agree that defense production should come first. At the same time, maintaining a strong national economy is our best defense weapon, and if it is true as alleged that those in charge of allocating critical materials are permitting certain powerful concerns in this country to hoard critical material in amounts far beyond what they will need in that period of time necessary for replacing the material actually used in production, then our committee should do what it can to put a stop to such selfish, greedy practices.

Likewise, I think we should look into the charge that our defense production authorities are not making either an efficient or a maximum use of existing manufacturing plants presently engaged in civilian production. We certainly should authorize the building of whatever new plants are needed to meet the defense crisis, but there can be no justification for the wasteful practice of the Government, through the device of tax allowances, in building manufacturing plants for defense production purposes if existing civilian plants properly utilized can do the job.

The above points are only a few of the problems which such an investigation as I am proposing would lead into, and I think our committee should proceed without delay to conduct such an investigation.

Therefore, I respectfully request that this letter be laid before the Preparedness Subcommittee at a meeting to be called within the next few days, at which time I intend to make a motion calling for an investigation along the lines I have suggested.

Again let me congratulate you for the grand job you are doing as chairman of our committee.

I think it is one of the most outstanding records of public service being made by any official of our Government.

With kind personal regards.

Cordially,

WAYNE MORSE.

Mr. President, I have only this additional comment to make in regard to the subject matter of the letter: I am perfectly aware of the fact that the public is a little confused in these days as to whether the statements which emanate from the Pentagon Building concerning the slowness of production, or the statements emanating from Mr. Wilson's office, in the terms of the alleged miracle being performed in production, are accurate. As a member of the Armed Services Committee, it is not necessary for anyone to tell me what the situation is in regard to defense production, because each and every member of that committee, I am satisfied, knows it is not adequate. We are far behind the production point where we ought to be in view of the crisis which confronts the Nation.

I sat for more than 2 hours this morning listening to the Chairman of the Joint Chiefs of Staff as he discussed the military picture of the United States. I am not at all interested in any jurisdictional dispute over production problems between and among the departments of the Government, but I am vitally concerned, as a member of the Armed Services Committee, in an all-out production program in the area of defense necessary to meet the international crisis which confronts us. We must not continue to be laggards in the development of defense production. The fact still remains that in months recently passed we have been building race tracks and gambling casinos in some parts of the country, and I would like to know what Mr. Wilson and his organization have done to stop it.

The fact is that in the year 1952 the automobile industry is planning new models, believe it or not. I think it is inexcusable, Mr. President, for the automobile industry to be talking about new models in a year when all the tooling resources of the country should be going into retooling plants for defense production. I do not know of a single make of automobile that could not have continued its 1951 model for 1952.

The sad fact is that we are still constructing too many buildings with aluminum faces and aluminum window casings when there is a tremendously short supply of aluminum for defense production. If private contractors have hoarded these materials it should have been taken away from them for defense use. If we can draft boys, we can draft material.

I do not know, Mr. President, what we have to do in this Nation to awaken all the American people, organized labor, industry, and agriculture, and all economic groups, to the defense posture in which we find ourselves. Time is running out. When, Mr. President, we talk about holding a line in Korea because we are not in position yet to conduct the offensive we would have to conduct in order to win the war, we had better look at home to the kind of support we are giving the boys on that line in Korea.

I have just about reached the exhaustion of my patience, Mr. President, in respect to the slowness of our defense production program. So far as the persons in charge of civilian and defense production in the country are concerned, it is about time that we make perfectly clear to them that we want full production for the defense and security of the country. It does not make one whit of difference to me where the economic shoe is going to pinch so far as the butter program of the Nation is concerned. The vital concern ought to be to pay more attention than we are paying to the gun program so that future generations of Americans will have some butter to eat.

That is why I have submitted this letter to the very able chairman of the committee of which I am also a member. I think it should be a matter of public record, so I am making it a matter of public record today. I am satisfied that the chairman and the other members of the committee will proceed forthwith to conduct the kind of investigation into the production program, both civilian and military, which I think we need in order to knock a few heads together, probably both at the Pentagon level and at the defense mobilization level. The American people, as one voice, ought to say to the leaders of Government, "Let us have full production now; let us get on with it."

NATIONAL VETERANS OF FOREIGN WARS WEEK

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent that I be given time to make a very brief statement.

The PRESIDING OFFICER (Mr. SMITH of North Carolina in the chair). Without objection, the Senator from Colorado may proceed.

Mr. JOHNSON of Colorado. Mr. President, I desire to address the Senate for a few minutes on an important approaching occasion. I wish to invite the attention of the Senate to National VFW Week, which begins on January 24 and ends on January 31.

The Veterans of Foreign Wars was founded at Denver, Colo., in 1899, by men returning home from overseas after serving in the War With Spain, the Philippine Insurrection, and the Chinese Relief Expedition. Simultaneously, other groups of foreign service veterans were formed in Ohio and Pennsylvania. These were merged into a consolidated organization in 1913, at a meeting in Denver, and ever since then the Veterans of Foreign Wars has continued to grow in strength and influence, and to extend its usefulness in maintaining the high principles of patriotism and citizenship for which its members bore arms.

Now this great patriotic organization will observe the period January 24–31, inclusive, as National VFW Week, and I consider it fitting that Members of the Congress join with American citizens in general, during this period, in voicing a tribute to this organization of former servicemen who, in wartime and on foreign shores, fought to preserve American principles and institutions.

The VFW observance marks a historic date. It was on January 24, 1776, that Col. Henry Knox and his intrepid band of patriots reached Boston, having brought from Fort Ticonderoga, on Lake Champlain, by ox sled through the snow-covered wilderness, the cannon, mortars, and howitzers which put the British to rout and marked a turning point in the Revolutionary War. Within a short time, with the aid of these much-needed weapons, the Revolutionary soldiers, most of them untrained farmers defending their homeland from tyranny, had driven 8,000 British soldiers, 1,100 Loyalists, and 150 British vessels from Boston, completely routing Gen. William Howe's redcoat forces, and liberating New England from British domination. The July 4, 1776, which we proudly celebrate, was a fruit of that memorable January 24.

It seems to me eminently proper and meritorious that this great national organization of the Veterans of Foreign Wars, comprising more than 10,000 posts and a million and a quarter members, has thus designated for such a historic anniversary a special week in which to inform the people about its activities, projects, idealisms, and past achievements. It also is natural that the Veterans of Foreign Wars during this period should expect American citizens as a whole to demonstrate, by special interest

and by sharing in the observance of National VFW Week programs, their appreciation of what these gallant veterans have done for national defense at the risk of their lives, and now as civilians are continuing to achieve for public welfare through their impressive organization.

There is something especially appealing to sentiment and logic alike in the idea of men coming home and in fraternal and welfare association endeavoring to preserve and perpetuate the inspiration of patriotism and sacrifice which motivated them to fight on foreign shores against the enemies of our country.

Only divine providence knows what would have been the fate of our beloved America, if the Americans who left the safety of their homes and crossed the seas to keep the foes of civilization far distant had failed in their mission. These men fought for American principles and defended American sovereignty as gloriously and as effectively on alien soil as if the enemy had been repulsed at our very gates.

They were men of many races, many creeds, many varieties of national ancestry, but in fighting to cherish the heritage bequeathed to us by our founding fathers, they all were Americans, spiritual brothers who became in a truly literal sense blood brothers. In uniform and fighting shoulder to shoulder together for a common cause which they knew to be a noble one, they felt no bias, no hatred, no suspicion of one another on grounds of color or religious beliefs or regional accents of speech. They were from the North and South, the East and West, from Alaska and sunny Hawaii and other sections of this tremendous melting pot we call our America. And in their exalted mission to save American idealisms from would-be despoilers, they ignored their minor differentiations.

Now, once again civilians in mufti, these men similarly discount distinctions of wealth, social status, vocation, and accidental attributes of birth and environment, and in a unified organization endeavor to perpetuate the fundamentals of Americanism assured by our Constitution for which many shed their blood.

These Veterans of Foreign Wars thus have a particular claim upon the gratitude and appreciation of other citizens. Through their individual posts, in all the 48 States, our Territories, the Canal Zone, and even in distant lands where American forces are now serving, they are still figuratively carrying the American flag. In their home towns, these Veterans of Foreign Wars engage in many forms of community service, performing worthy deeds for the public good. They take an active and informed part in governmental affairs, and inspire casual citizens to do likewise. They promote wholesome sports and other recreation for young people. They stand and work for law and order. They instill in school pupils a lasting concept of patriotism, all the more meaningful because of their own patriotic wartime service. They are zealous for the proper observance of our Nation's holidays and anniversaries. They insure proper honors for our returning war dead and adequate care and marking for their graves. They participate in worthy civic enterprises. They are alert against any tendencies by Government officials at any level to engage in oppression, and they are similarly watchful against governmental corruption and malfeasance.

They have been instrumental in adoption of sound legislation, particularly to provide equity and justice to men now serving in the Korean conflict. They have assisted hundreds of thousands of veterans in securing financial and other benefits to which they are entitled by law. They have procured hospitalization and other medical care for servicemen injured physically or mentally in combat. They have remained steadfast in urging full military preparedness by this country to support its pleas for peace and world harmony, and to defend this country from aggression which is a continuing menace. They have been militantly effective in helping to rid America of conspirators, saboteurs, subversive elements, and both secret and open enemies of the American way of life, and they continue to stand firmly against alien ideologies and agencies which threaten our national security.

All in all, the Veterans of Foreign Wars, as individuals and as organized units, are carrying on in peacetime a program of public welfare fully in keeping with their wartime service under arms. They are maintaining the fellowship, the fraternity, the friendships, the memories, and association of their combat days in a spirit of brotherhood which itself is a potent and leavening factor throughout our Nation in increasing the effectiveness of democracy.

Those alone are sufficient motivations for the maintenance and increasing growth of this association of veterans. Yet theirs is not just a social organization; they begin with comradeship, but do not stop there. They are united for larger purposes of civic usefulness, unhampered by petty or artificial distinctions among themselves, and as they pause during National VFW Week to gird themselves for still further services to their country they can properly take a solemn pride in what they have achieved thus far. In truth, National VFW Week has existed luminously for more than a half century and merits continuing observance during every week henceforth. Colorado is proud that Denver is the birthplace of this patriotic and virile service organization.

THE WATER PROGRAM IN CALIFORNIA

Mr. KNOWLAND. Mr. President, I ask unanimous consent that I may make a brief statement, which I do not think will take more than 5 minutes, on a subject dealing with the water program in California.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. KNOWLAND. Mr. President, those of us who represent Western States are extremely concerned with the development of our natural resources. One of those resources, without which life itself could not exist, is water.

Almost concurrently with the settling of the pioneers in the Western States, the development of water resources was begun, and over a period of years the peoples of the West have engaged in a water-conservation and distribution program, which has been necessary if the West was to survive as a healthy, economic unit. During the period of time that the water resources of these Western States were being developed, a system of water rights was developed in several States which are now a matter of State law. These State laws have long been recognized and have aided materially in the orderly development of the area.

Within recent years, however, there has been a tendency on the part of the Federal Government to take action within the States which indicated a belief that the Federal Government was not necessarily bound by the State laws. As a result, legislation has been introduced in Congress which would, in effect, place the Federal Government in the position of recognizing and complying with the State water laws. One of these bills, S. 18, is presently on the Senate Calendar awaiting action.

Mr. President, I ask that a copy of Senate bill 18, Calendar No. 711, together with the committee report with reference to the same, be printed at this point in my remarks.

There being no objection, the bill (S. 18) and report (No. 755) were ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That consent is hereby given to join the United States as a defendant in any suit for the adjudication of rights to the use of water of a river system or other source or for the administration of such rights where it appears that the United States is the owner or is in the process of acquiring water rights by appropriation under State law by purchase, exchange, or otherwise and that the United States is a necessary party to such suit: *Provided,* That nothing in this act shall be construed as authorizing the joinder of the United States in any suit or controversy in the Supreme Court of the United States involving the right of States to the use of the water of any interstate stream. When the United States shall be a party to any such suit it shall be deemed to have waived any right to plead that the State laws are not applicable, or that the United States is not amenable thereto, by reason of the sovereignty of the United States, and the United States shall be subject to the judgments, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances: *Provided,* That no judgment for costs shall be entered against the United States in any such suit. Summons or other process in any such suit shall be served upon the Attorney General or his designated representative.

SEC. 2. The head of every department or agency of the United States and of every corporation which is wholly owned by the United States shall, within 2 years from the effective date of this act, cause to be filed with the Secretary of the Interior, in such form and detail as he shall prescribe, a complete list of all claims of right to the use by that department, agency, or corporation of the waters of any stream or other body of surface water in the United States for agricultural, silvicultural, horticultural, stock-water, municipal, domestic, industrial, mining, or military purposes, or the protection, cultivation, and propagation of fish

and wildlife, or any other purpose involving a consumptive use of water, or for the production of hydroelectric or other power or energy. Said list shall be supplemented and revised promptly as new claims of right are made and existing claims are abandoned or otherwise disposed of. A catalog of such claims shall be maintained by the Secretary and, except for items therein which are certified by the head of the claimant department, agency, or corporation to be of such importance to the national defense as to require secrecy, shall be open to inspection by the public and, subject to the same exception, copies thereof and of items therein shall be furnished by the Secretary upon payment of the cost thereof. The Secretary may make rules and regulations to carry out the purpose of this section.

The Committee on the Judiciary, to which was referred the bill (S. 18) to authorize suits against the United States to adjudicate and administer water rights, having considered the same, reports favorably thereon, with amendments, and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 1, strike out all that follows the colon in line 10 down to and including line 1, on page 2, and insert in lieu thereof the following: *"Provided*, That nothing in this act shall be construed as authorizing the joinder of the United States in any suit or controversy in the Supreme Court of the United States involving the right of States to the use of the water of any interstate stream. When the United States shall be a party to any such suit it shall be deemed to have waived any right to plead that the State laws are not applicable, or that the United States is not amenable thereto, by reason of the sovereignty of the United States, and the United States shall be subject to the judgments, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances: *Provided*."

2. At the end of the bill add the following new section:

"SEC. 2. The head of every department or agency of the United States and of every corporation which is wholly owned by the United States shall, within 2 years from the effective date of this act, cause to be filed with the Secretary of the Interior, in such form and detail as he shall prescribe, a complete list of all claims of right to the use by that department, agency, or corporation of the waters of any stream or other body of surface water in the United States for agricultural, silvicultural, horticultural, stockwater, municipal, domestic, industrial, mining, or military purposes, or the protection, cultivation, and propagation of fish and wildlife, or any other purpose involving a consumptive use of water, or for the production of hydroelectric or other power or energy. Said list shall be supplemented and revised promptly as new claims of right are made and existing claims are abandoned or otherwise disposed of. A catalog of such claims shall be maintained by the Secretary and, except for items therein which are certified by the head of the claimant department, agency, or corporation to be of such importance to the national defense as to require secrecy, shall be open to inspection by the public and, subject to the same exception, copies thereof and of items therein shall be furnished by the Secretary upon payment of the cost thereof. The Secretary may make rules and regulations to carry out the purpose of this section."

PURPOSE

The purpose of the proposed legislation, as amended, is to permit the joinder of the United States as a party defendant in any suit for the adjudication of rights to the use of water of a river system or other source or for the administration of such rights where it appears that the United States is the owner or is in the process of acquiring water rights by appropriations under State law, by purchase, exchange, or otherwise and that the United States is a necessary party to such suit.

STATEMENT

Hearings were held on S. 18, and the committee is of the opinion that in order to understand the background of this legislation a résumé of some of the history and decisions relating to the law of water rights would be of help.

The committee has taken note of the reports of the Department of Justice and the Department of the Interior printed below which oppose the legislation, but has concluded, after a consideration of all of the evidence available to the committee, that the legislation is meritorious.

There are two established doctrines relating to the law of water rights as it is applied in the United States today. The first is the riparian doctrine, which was inherited from England, and the second is the prior appropriation doctrine, which is founded in the customs and practices of the settlers and is uniformly recognized in the law of most of the Western States.

The reason that there have been two doctrines lies in the volume of water which is available to particular sections of the country. The riparian doctrine generally has currency in localities where water is plentiful, and the prior appropriation doctrine is adhered to in those areas where water is at a premium. Under the riparian doctrine, the owner of land contiguous to a stream has certain rights in the flow of the water by reason of his ownership of land. Under the doctrine of prior appropriation the first user of the water acquires a priority right to continue the use, and the contiguity of land to the watercourse is not a factor. It can readily be seen that the Western States are the ones which are susceptible to the doctrine of prior appropriation.

It will follow that the adjudication of water rights which might involve the United States would in most instances be confined to those States in which the doctrine of prior appropriation is applicable.

The doctrine of prior appropriation had its inception in the Western States early in the settlement of the West, being brought about by the arid and semiarid character of such States. The doctrine that "first in time is first in right" to the beneficial use of the water in the streams of such States first became the law of appropriation by custom and was later sanctioned by constitutional and legislative enactment in 11 of the Western States. Under the law sanctioning the doctrine of "first in time is first in right," vast quantities of land in these States, beginning back in the territorial days, was brought under cultivation through the courage and hard work of those who homesteaded or otherwise secured farm and ranch land and made appropriations of water with which to make such lands productive. Litigation with respect to the water rights developed early in the history of the right to the use of water by appropriation. Down through the years the courts of the respective States marked out the pathway whereby order was instituted in lieu of chaos. Rights were established, and all of this at the expense, trial, and labor of the pioneers of the West, without material aid from our United States Government until a much later time when irrigation projects were initiated by Congress through the Department of the Interior and later the Bureau of Reclamation. Even then Congress was most careful not to upset, in any way, the irrigation and water laws of the Western States. In 1902 Congress wrote into the Federal Reclamation Act a strict admonition to the Secretary of the Interior. Section 8 of that act, being now section 383, title 43, United States Code, is in effect as follows:

"Vested rights and State laws unaffected: Nothing in this chapter shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this chapter, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or any landowner, appropriator, or user of water in, to or from any interstate stream or the waters thereof."

It will be seen that in the Western States irrigation of the lands is essential to successful farming and ranching and failure by a landowner to receive the amount of water vested or adjudicated to him is likely to be fatal to his economic welfare.

In the arid Western States, for more than 80 years, the law has been that the water above and beneath the surface of the ground belongs to the public, and the right to the use thereof is to be acquired from the State in which it is found, which State is vested with the primary control thereof.

In 1877 the Congress, in the Desert Land Act of 1877 (19 Stat. L. 377, ch. 107), severed the water from the land, and the effect of such statute was thereafter that the land should be patented by the United States separate and apart from the water and that all the nonnavigable water should be reserved for the use of the public under the laws of the States and Territories named in the act. This statute was construed by the Supreme Court of the United States in *California-Oregon Power Co.* v. *Beaver Portland Cement Co.* (295 U. S. 142), in which the Court, inter alia, held:

"1. Following the Desert Land Act of 1877, if not before, all nonnavigable waters then a part of the public domain became publici juris, subject to the plenary control of the designated States, including those since created out of territories named, with the right in each to determine for itself to what extent the rule of appropriation or the common-law rule in respect to riparian rights should obtain.

"2. The terms of the statute, thus construed, must be read into every patent thereafter issued, with the same force as though expressly incorporated therein, with the result that the grantee will take the legal title to the land conveyed, and such title, and only such title, to the flowing waters thereon as shall be fixed or acknowledged by the customs, laws, and judicial decisions of the State of their location.

"3. The effect of the statute was to sever all waters upon the public domain, not theretofore appropriated, from the land itself, and that a patent issued thereafter for lands in a desert-land State or Territory, under any of the land laws of the United States, carried with it, of its own force, no common-law right to the water flowing through or bordering upon the lands conveyed."

In the course of its opinion the Court said:

"The fair construction of the provision now under review is that Congress intended to establish the rule that for the future the land should be patented separately; and that all nonnavigable waters thereon should be reserved for the use of the public under the laws of the States and Territories named. The words that the water of all sources of water supply upon the public lands and not navigable 'shall remain and be held free for the appropriation and use of the public' are not susceptible of any other construction. The only exception made is that in favor of existing rights; and the only rule spoken of is that of appropriation. It is hard to see how a more definite intention to sever the land and water could be evinced."

The Court further stated:

"Nothing we have said is meant to suggest that the act, as we construe it, has the effect

of curtailing the power of the States affected to legislate in respect of waters and water rights as they deem wise in the public interest. What we hold is that following the act of 1877, if not before, all nonnavigable waters then a part of the public domain became publici juris, subject to the plenary control of the designated States, including those since created out of the Territories named, with the right in each to determine for itself to what extent the rule of appropriation or the common law rule in respect of riparian rights should obtain. For since Congress cannot enforce either rule upon any State, *Kansas* v. *Colorado* (206 U. S. 46, 94), the full power of choice must remain with the State."

It is interesting to note what the Court said in a marginal note on page 164 of the opinion:

"In this connection it is not without significance that Congress, since the passage of the Desert Land Act, has repeatedly recognized the supremacy of State law in respect to the acquisition of water for the reclamation of public lands of the United States and lands of its Indian wards."

The effect and authority of the foregoing cited case was later followed by the Supreme Court in *Ickes* v. *Fox* (300 U. S. 82), decided February 1, 1937, wherein the Court said, at page 95:

"The Federal Government, as owner of the public domain, had the power to dispose of the land and water composing it together or separately; and by the Desert Land Act of 1877 (c. 107, 19 Stat. 377), if not before, Congress had severed the land and waters constituting the public domain and established the rule that for the future the lands should be patented separately. Acquisition of the Government title to a parcel of land was not to carry with it a water right; but all nonnavigable waters were reserved for the use of the public under the laws of the various arid-land States. *California Power Co.* v. *Beaver Cement Co.* (295 U. S. 142, 162). And in those States, generally, including the State of Washington, it long has been established law that the right to the use of water can be acquired only by prior appropriation for a beneficial use; and that such right when thus obtained is a property right, which, when acquired for irrigation, becomes, by State law and here by express provision of the Reclamation Act as well, part and parcel of the land upon which it is applied."

It is therefore settled that in the arid Western States the law of appropriation is the law governing the right to acquire, use, administer and protect the public waters as provided in each such State.

It is most clear that where water rights have been adjudicated by a court and its final decree entered, or where such rights are in the course of adjudication by a court, the court adjudicating or having adjudicated such rights is the court possessing the jurisdiction to enter its orders and decrees with respect thereto and thereafter to enforce the same by appropriate proceedings. In the administration of and the adjudication of water rights under State laws the State courts are vested with the jurisdiction necessary for the proper and efficient disposition thereof, and by reason of the interlocking of adjudicated rights on any stream system, any order or action affecting one right affects all such rights. Accordingly all water users on a stream, in practically every case, are interested and necessary parties to any court proceedings. It is apparent that if any water user claiming to hold such right by reason of the ownership thereof by the United States or any of its departments is permitted to claim immunity from suit in, or orders of, a State court, such claims could materially interfere with the lawful and equitable use of water for beneficial use by the other water users who are amenable to and bound by the decrees and orders of the State courts. Unless Congress has removed such immunity by statutory enactment, the bar of immunity from suit still remains and any judgment or decree of the State court is ineffective as to the water right held by the United States. Congress has not removed the bar of immunity even in its own courts in suits wherein water rights acquired under State law are drawn in question. The bill (S. 18) was introduced for the very purpose of correcting this situation and the evils growing out of such immunity.

The committee believes that such a situation cannot help but result in a chaotic condition. Each water user under some State laws is required to pay a graduated fee or tax annually for the services of water commissioners. The commissioners must apportion the water to the decreed users thereof in accordance with their decreed rights, and are required to deny the use of water to any user who at a particular time is not in the priority for the available supply of water. Failure to comply with the lawful orders of the water commissioner subjects the offender to the administrative and penal orders of the court, usually issued in contempt proceedings. If a water user possessing a decreed water right is immune from suits and proceedings in the courts for the enforcement of valid decrees, then the years of building the water laws of the Western States in the earnest endeavor of their proponents to effect honest, fair, and equitable division of the public waters will be seriously jeopardized.

If such a condition is to continue in the future it will result in a throw-back to the conditions that brought about the enactment of the statutory water laws, i. e., the necessity that the public waters so necessary to the economic welfare of the arid States be allotted in as equitable manner as possible to all users of the available supply thereof. It is said of such laws by the Supreme Court in the case of *Pacific Live Stock Co.* v. *Oregon Water Board* (241 U. S. 447):

"All claimants are required to appear and prove their claims; no one can refuse without forfeiting his claim, and all have the same relation to the proceeding. It is intended to be universal and to result in a complete ascertainment of all existing rights, to the end, first, that the waters may be distributed, under public supervision, among the lawful claimants according to their respective rights without needless waste or controversy; second, that the rights of all may be evidenced by appropriate certificates and public records, always readily accessible, and may not be dependent upon the testimony of witnesses with its recognized infirmities and uncertainties; and, third, that the amount of surplus or unclaimed water, if any, may be ascertained and rendered available to intending appropriators."

The committee is aware of the fact, as shown by the hearings, that the United States Government has acquired many lands and water rights in States that have the doctrine of prior appropriation. When these lands and water rights were acquired from the individuals, the Government obtained no better rights than had the persons from whom the rights were obtained.

Since it is clear that the States have the control of the water within their boundaries, it is essential that each and every owner along a given water course, including the United States, must be amenable to the law of the State, if there is to be a proper administration of the water law as it has developed over the years.

It will be noted that the amendment to S. 18 provides that nothing in the act shall authorize the joinder of the United States in any suit or controversy in the Supreme Court of the United States involving the right of States to the use of the water of any interstate stream. This is done in order not to open up any controversies between the States as to water rights on an interstate stream by permitting the United States to be made a party thereto.

The committee is of the opinion that there is no valid reason why the United States should not be required to join in a proceeding when it is a necessary party and to be required to abide by the decisions of the Court in the same manner as if it were a private individual.

Senator MAGNUSON raised the question as to whether S. 18 could be used for the purpose of delaying or blocking a multiple-purpose development such as proposed for the Hell's Canyon project on the Snake River in the Columbia Basin or other similar projects, stating that there was a possibility of an individual or group having water rights on that stream bringing suits to adjudicate their respective rights and therefore preventing the Bureau of Reclamation from going ahead with the Hell's Canyon project while litigation is in process or pending. The committee, for the legislative history of this bill, definitely desires to repudiate any such intent which may be deduced from S. 18 and states that this is not the purpose and the intent of this legislation. Where reclamation projects have been authorized for the benefit of the water users and the public generally, they should proceed under the law as it exists at the present time and, should the Government have reason to need the water of any particular user on a stream, that water should be obtained by condemnation proceedings as is already provided for by law. The committee can think of no particular reason why the mere development of a project should be delayed or stopped by the passage of S. 18 and it is not so intended. An exchange of letters by Senator MAGNUSON and Senator MCCARRAN dealing with this feature of the bill is hereto attached and made a part of this report.

Senator MAGNUSON also submitted an amendment to the bill which appears as section 2 of the bill. It requires the head of each department or agency of the United States and every corporation which is wholly owned by the United States to submit within a 2-year period of time to the Secretary of the Interior a complete list of all claims of right to use any stream or body of surface water in the United States. This list shall be supplemented properly as new claims and rights are made or other claims are abandoned or otherwise disposed of. A catalog of such claims is to be maintained by the Secretary, which shall be open to the public inspection, except when they may be barred from such inspection by reason of secrecy required by national defense.

The committee is of the opinion that development of a catalog of this nature would be most salutary and that there should be a single depository where the water rights claims of the United States should be available for whatever purpose may be needed. This provision is not only helpful to all of the landowners who may be interested in the water rights of a particular stream but is exceedingly helpful to the United States in knowing where and how it can, on short notice, determine its holdings in this respect. This is a provision the committee believes should have been in force and effect long before now and believes that it will prove most helpful in the future administration and adjudication on questions of water rights, to say nothing of the incidental uses to which such a catalog may be made.

The committee, therefore, recommends that the bill S. 18, as amended, be considered favorably.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, August 3, 1951.

HON. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: The Department of Justice is unable to recommend the enactment of the bill (S. 18) to authorize suits

against the United States to adjudicate and administer water rights.

This measure would permit the joinder of the United States as a defendant in any suit for the adjudication of rights to the use of water of a river system or other source or for the administration of such rights where it appears that the United States is the owner or is in the process of acquiring water rights and is a necessary party to such suit. It would also provide that the United States could effect the removal to the Federal court of any such suit in which it is a party and that no judgment for costs shall be entered against the United States in any such suit. The last provision of the bill would authorize the service of summons or other process in any such suit upon the Attorney General or his designated representative.

The general waiver of the immunity of the United States to suits involving water rights would seem objectionable. It is likely that such a general waiver would result in the piecemeal adjudication of water rights, in turn resulting in a multiplicity of actions, and the joinder of the United States in many actions in all of which it would be required to claim every right, which it could conceivably have or need, or subject itself to the possible loss of valuable rights on the theory of having split its cause of action. There is, moreover, no reason to believe that in any instance in which it is desirable to do so, Congress would fail to authorize making the United States a party defendant in the litigation of water rights.

The Director of the Bureau of the Budget has advised this office that there would be no objection to the submission of this report.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington D. C., August 3, 1951.

Hon. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MCCARRAN: Reference is made to your request of April 27 for the views of this Department on S. 18, a bill to authorize suits against the United States to adjudicate and administer water rights.

I recommend that the bill be not enacted.

While there are some circumstances covered by the bill in which the relief which it would afford litigants may well be warranted, there are many others where it is more fitting that litigants be required to pursue their remedies under the Tort Claims Act or the Tucker Act.

The interests of the United States in the use of the waters of its river systems are so many and so varied that a full enumeration of them could not be made without a great deal of careful study. It is enough, I hope, for present purposes to exemplify these interests by pointing to those which it has under the commerce clauses of the Constitution; those which exist by virtue of the creation of Indian reservations under the doctrine of *United States* v. *Winters* (207 U. S. 564 (1908)) or by virtue of the creation of, for instance, a national park; those which it has asserted by entering into international treaties; those which it may have by virtue of its present and prior ownership of the public domain and which have not vested under the acts of July 26, 1866 (14 Stat. 253, 43 U. S. C. 661), July 9, 1870 (16 Stat. 218, 43 U. S. C. 661), and March 3, 1877 (19 Stat. 377, 43 U. S. C. 321); those with respect to which its officers and employees have followed the procedure prescribed in section 8 of the act of June 17, 1902 (32 Stat. 388, 43 U. S. C. 383); and those which it has acquired by purchase, gift, or condemnation from private owners. Since the United States can be said, with varying degrees of accuracy, to be the "owner" of rights of any or all these types, it is clear to me that enactment of the bill could lead to a tremendous volume of unwarranted litigation and, in the absence of a complete and detailed catalog of all the rights and interests which the United States has in the stream systems of the Nation, to the hazard that, by overlooking some, it would be forever precluded from asserting them thereafter.

The brief exemplification of some of the types of interests given above does, however, suggest an approach to the problem which, we believe, merits consideration. Subject to the qualifications noted in the next paragraph, it seems to me to be proper for the United States to permit itself to be joined as a party defendant, with a right of removal (as is now provided in the bill) to the Federal district court, wherever—

(1) In the course of a judicial proceeding in a State court for a general adjudication of rights to the consumptive use of waters within that State it is made to appear to the court that the United States is a claimant of such right and is a necessary party to the proceeding; that the right is claimed for the direct benefit of persons who, if they were themselves the claimants, would be subject to the laws of that State with respect to the appropriation, use, or distribution of water; and that the right claimed by the United States exists solely by virtue of the laws of the State and is required, by a statute of the United States, to be established by an officer or employee thereof in accordance with said laws or has been or is being acquired by the United States from a predecessor in interest whose right depends upon its having been so established; or

(2) judicial review is sought, as provided by State law, by a person adversely affected by and a party to a State administrative proceeding relating to the appropriation, use, or distribution of water invoked by a duly authorized officer or employee of the United States upon the outcome of which a right of the United States depends.

The qualifications spoken of above which should, I believe, be attached to such a waiver of immunity are these: (a) The waiver should in all instances be limited to an adjudication of those rights of the United States which depend solely upon their having been acquired pursuant to State law and should not extend to those that exist independently of such law or to those which have existed for a stated number of years (say, 6 years); (b) it should be limited to those claims which are made to appear with particularity in the papers upon the basis of which the court is moved to make the United States a party; (c) it should not extend to the granting of equitable relief against the United States or to the entering of a judgment for costs against it; (d) the United States should not in any way be prejudiced in the adjudication by the existence of a prior decree granted in any adjudication to which it was not lawfully made a party; (e) the waiver should not extend to rights asserted by the United States for or on behalf of Indians.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

AUGUST 24, 1951.

Re S. 18.

Hon. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR SENATOR: I am in agreement with the general purposes of S. 18. However, there is one possible implication in the bill that has caused me some apprehension and I take this means of achieving clarification before final action by our committee occurs.

It appears to me that section 1 of the bill—although I am sure that is not the intent—might make it possible to block or delay a multiple-purpose development, such as proposed for the Hell's Canyon project on the Snake River in the Columbia Basin.

I visualize the possibility of an individual or group, having water rights on that stream, bringing suit to adjudicate their respective rights—thereby preventing the Bureau of Reclamation from going ahead with the Hell's Canyon project while litigation is in process or pending. Such action on the part of appropriators might be taken on their own initiative or might be stimulated by third parties who have been opposing this development.

A similar set of circumstances might prevail with respect to other streams in the basin. I will appreciate the benefit of your best judgment as to whether S. 18 could be used in the manner I have described. I think clarification on this point will be extemely useful if made a part of the legislative history of this bill.

I have another suggestion I respectfully submit for consideration of the committee. From all I can gather, there is no central place in the entire administrative branch of the Government where a catalog of water rights, to which the several agencies lay claim, has been assembled or is maintained. It appears to me it would be extremely helpful to the Attorney General to have access to an up-to-date list of the water rights he may be called upon to protect.

Accordingly, I am attaching a suggested new section for the bill and commend it to you for consideration before final action on S. 18 is taken.

Kindest personal regards.

Sincerely,

WARREN G. MAGNUSON,
United States Senator.

AUGUST 25, 1951.

Hon. WARREN G. MAGNUSON,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MAGNUSON: I was very pleased to receive your letter of August 24, 1951, relative to S. 18, which provides for the joining of the United States in suits involving water rights where the United States has acquired or is in the process of acquiring water rights on a stream and is a necessary party to the suit.

I note that you raise the question that it might be possible to block or delay a multiple-purpose development, such as proposed for the Hell's Canyon project on the Snake River in the Columbia Basin. You indicate that you visualize the possibility of an individual or group, having water rights on that stream, bringing suit to adjudicate their respective rights thereby preventing the Bureau of Reclamation from going ahead with the Hell's Canyon project while litigation is in process or pending.

S. 18 is not intended to be used for the purpose of obstructing the project of which you speak or any similar project, and it is not intended to be used for any other purpose than to allow the United States to be joined in a suit wherein it is necessary to adjudicate all of the rights of various owners on a given stream. This is so because unless all of the parties owning or in the process of acquiring water rights on a particular stream can be joined as parties defendant, any subsequent decree would be of little value. I agree with you that for purposes of legislative history, the report should show that S. 18 is not intended to be used for the purpose of obstructing or delaying Bureau of Reclamation projects for the good of the public and water users by the method of which you speak and in that connection I propose that such a statement be incorporated in the report and that this exchange of letters be attached thereto.

You further suggest an amendment to the bill relative to the cataloging of water rights to which the several agencies of the Government lay claim, and with this suggestion I am heartily in accord. I believe that such an amendment should be presented to the committee for its incorporation into S. 18.

I trust that the foregoing has served to clarify the situation as to your doubts.

Kindest personal regards.

Sincerely,

PAT MCCARRAN, *Chairman.*

Mr. KNOWLAND. Mr. President, recently national attention has been called to a situation involving a water dispute between the United States and a local community in my State of California. The matter has progressed to such an extent that the Government has instituted suit in the Federal courts in an effort to maintain its position. Since the suit will involve the serving of from twelve to sixteen thousand individuals, the suit has naturally caused apprehension among the people of San Diego County and has, as I said, attracted national attention.

In the December 1951 issue of the Reader's Digest is an article entitled "Washington Tyranny: Another Case Study," by Mr. Stanley High, which very briefly outlines the situation.

The problem has been further developed by Mr. Ed Ainsworth, of the Los Angeles Times, and Cameron Shipp, in the January 5, 1952, issue of the Saturday Evening Post, in an article entitled "The Government's Big Grab."

Mr. President, I ask unanimous consent that these articles be included in the RECORD as a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Reader's Digest of December 1951]

WASHINGTON TYRANNY: ANOTHER CASE STUDY

(By Stanley High)

One day last April a United States marshal served a summons on Joe Hayes, an irrigation farmer living near Fallbrook, Calif. Hayes was informed that the Federal Government had laid claim to his privately owned water rights. The Government proposed to take over, without compensation, his entire water supply; and, to legalize this confiscation of his property, it had brought suit against him.

Hayes is a veteran of World War II. Since the war he and his wife have bought and paid for their small farm without GI loans or other Government aid. They have planted five of their acres to avocados and lemons. The water to irrigate these acres is pumped from their own well. That, complained the Government, is "in direct violation of the rights of the United States of America."

The court gave Hayes 20 days in which to file formal answer. "If you fail to do so," the summons warned, "judgment by default will be taken against you for the relief demanded in this complaint."

Joe Hayes and his wife were not the first farmers in the Fallbrook area who were thus summoned to defend their economic existence against the claims of their Government. Similar summonses had already been served on 152 other local landowners. Since then summonses have been issued as fast as the United States marshal, aided by deputies sworn in for the job, could serve them. By fall more than 1,000 residents of the region had been ordered into court. The final total, in what is described as "the West's biggest lawsuit," may be 14,000 to 16,000.

In addition to the farmers of the area, there are other defendants: The Fallbrook Methodist Church, which uses water for drinking purposes for its Sunday school; the Odd Fellows Lodge, which uses water in its kitchen and for the cemetery which it owns; the board of trustees of the Fallbrook Union High School; Ruth Lillie, who owns neither land nor water rights but uses water in her home in a Federal housing project; Mary Hubbard, a 90-year-old widow whose sole supply of water is brought in buckets by her neighbors.

More than 80 percent of the farmer-defendants in the case own 10 acres apiece or less. Preliminary cost in legal fees for each defendant is from $50 to $100.

"From what it has cost me up to now," Joe Hayes told a congressional hearing conducted last August in Fallbrook, "I would say I can't go too much further along that line. If the Government needs my land for the defense of the country or for the public benefit, I am willing to let them have it; but I expect to be paid for it, if that is not asking too much."

"This case," says the Los Angeles Times, "is the boldest attempt yet made on the part of the 'centralization bureaucrats' in Washington to tear down the last vestige of States' rights and confiscate private property in defiance of the injunction in the fifth amendment to the Constitution: 'Nor shall private property be taken for public use without just compensation.' If private water rights can be taken, any kind of rights can be taken."

The ostensible aim of the Government's suit is to provide an adequate water supply for the Marine base at nearby Camp Pendleton. As site for that base the Government, some 10 years ago, bought 135,000 acres of the Santa Margarita ranch, including its water rights on the Santa Margarita River. Now the Government by the language of its suit contends that this purchase carries with it not only the water rights held by the ranch but all the water rights of the entire Santa Margarita basin and watershed. This meant taking over the water supply of some 16,000 users.

The small farmers of this region and their forebears have used this water for nearly 100 years. "Whether the water was drawn from wells or the river and its tributaries, they have enjoyed undisputed water rights," says the Times, "under every principle of law, under every safeguard of the State."

Despite the fact that the water rights of the Santa Margarita ranch were more extensive than those of any other users, its owners never disputed or attempted to infringe upon the rights of the region's small farmers. In 1940 the Santa Margarita ranch and the Vail ranch, farther up the stream, worked out an agreement for their respective use of the river's flow. This agreement also left the water rights of the small farmers undisturbed.

Nor was any threat implied to those rights or any warning given when part of the Santa Margarita ranch was purchased and Camp Pendleton set up. When, in 1948, it became apparent that the increasing needs of both the base and the farming area might cause a water shortage, Navy representatives and spokesmen for the Fallbrook district began a series of friendly conferences to work out a "memorandum of understanding" which would equitably take care of both interests. This agreement called for construction of a dam, already approved by the Army engineers, on the Santa Margarita River. Fallbrook agreed to pay part of the cost of the project. A mutually acceptable formula was worked out for the fair division of the water thus to be impounded.

Informed that this locally negotiated agreement was about to be signed, Washington suddenly intervened. Right to the use of all the water in the Santa Margarita area, the Department of Justice said in effect, now belongs to the Government. Providing water for Fallbrook's farmers, the Department maintained, meant giving those rights away. This the Government would not do. The agreement was vetoed. Last January the Department, with no public notice of its intention, launched the Government's suit.

To make the most of the national-defense angle and reduce the likelihood that any of the threatened farmers would dare resist, the Government has given this civil case every possible military covering. Navy personnel deputized as United States marshals have been used to serve summonses. Marine officers in military vehicles have been sent to the homes of defendants to make title searches. A defendant, seeking information on the case, could not go to the regularly constituted civil authorities. Neither the United States attorney nor the United States marshal in nearby San Diego was kept informed of the progress of the suit. Instead, he has had to run a gauntlet of armed guards to an office set up in the middle of Camp Pendleton, from which the complaints and summonses were being served. This office has been manned by Marine officers—as representatives of the Attorney General.

Having prevented the mutually satisfactory allocation of water agreed to by the Navy and the citizens of Fallbrook, the Government now charges that these citizens, in the exercise of their long-owned water rights, have proceeded to encroach upon * * * the already insufficient supply of water required for the Nation's defense. "Their disregard for the rights of the United States of America," says the Department of Justice, has resulted in Camp Pendleton's threatened destruction.

To these charges the United States Attorney General had added his own. Unless the water users of the Santa Margarita watershed are compelled to surrender their rights, he has declared, the Marines at Camp Pendleton will go thirsty.

There was only one thing wrong with the Government's indictment, said the Los Angeles Times. "It was not true."

Pendleton's supply of water, most of it pumped from wells, is at present ample. There is enough not only for thirsty Marines but for the maintenance of an 18-hole golf course. There is enough for watering the crops of a number of commercial flower growers to whom the Navy has leased Government land.

Moreover, the Government itself is on record that the quickest and best long-time answer to Camp Pendleton's water needs is not the Santa Margarita River at all but the Colorado. As early as 1944 President Roosevelt, reviewing the water situation at Camp Pendleton, declared that "the Colorado River offers the only available source." Ranking Navy and Marine officers in the 11th Naval District, including Camp Pendleton's commandant, have recently declared that they were relying for future needs of the base on the Colorado. It is estimated that, if needed, an adequate emergency pipe line can be built in 6 months. A projected aqueduct which would permanently solve the problem can be completed in 2 years.

The Congressional investigating committee which looked into the Fallbrook Case last summer was composed of three Democrats and two Republicans. In a unanimous report, it concludes that "the legal theorists in the Attorney General's office have unnecessarily put the Federal taxpayers to great expense and the local people to great provocation and legal expense for no practical reason whatsoever."

But Washington's "centralization bureaucrats" may be playing for bigger stakes than the economic life or death of Fallbrook's farmers. "The Government's suit," says the Christian Science Monitor, "could mean that the United States is attempting to establish, in this obscure backwoods village, a revolutionary precedent."

Basis for this fear is contained in the Government's appeal to the court to "declare and determine that all of the rights of the United States of America are paramount to the rights of the defendants herein named."

It was under cover of such an assertion of "paramount rights" that the Government moved in on the State of California in 1947 and took away its previously undisputed sovereignty over tidelands' oil. The Fallbrook case goes a long step further: from "paramount right" over the property of States to "paramount right" over the property of private citizens.

"If the United States Attorney General," says the Los Angeles Times, "is permitted to carry through his suit to seize these private rights under 'paramount' claims in ownership, no citizen anywhere in the land will be safe from a similar Federal attempt at confiscation."

"If this attempt succeeds," said Pennsylvania's Representative JOHN P. SAYLOR at the Fallbrook hearings, "then the whole historic pattern of the United States is changed and there is no telling when they may move into the coal fields of Pennsylvania or the oil fields of Oklahoma or the ore fields of Michigan."

Government lawyers insist that these fears are groundless; that their use of the phrase "paramount rights" is intended to have only local significance and application. They have been asked repeatedly to prove their good faith by amending their complaint to make their professed intention clear. This they have refused to do.

Faced with this threat from their Government, the convictions of Fallbrook's citizens were effectively summed up in a recent sermon by the Reverend Marshall Ketchum, 25-year-old minister of the Fallbrook Methodist Church:

"It may be that the Government will win its case. If it does, it will be a very legal decision handed down by a very legal court. But let me ask, Does the fact that it may be proven legal thereby mean that it is moral?

"The Fallbrook Methodist Church has been accused by the United States Government of stealing. According to the suit, all of us, because we have put water in our flower baskets and washed dishes in our sinks and watered our lawns, have been stealing from the Government. According to this suit, we have broken the eighth commandment. It may be legal for the Government to do this, but is it moral?

"A government, like an individual, cannot regard itself as above and beyond morality. But there seem to be those in government who believe you can do whatever you want to do, providing you make it legal. It is that lack of moral sensitivity in our Government which has put in jeopardy thousands of our small landowners; their property, homes, savings, and their future."

Fallbrook's people, writes the correspondent of the Christian Science Monitor, cherish freedom as they cherish their valley. One recent Thursday noon a typical group of them met for the Rotary Club luncheon and, with the water case very much to the fore, sang the first line of America before they sat down. The familiar words were no mere sentiment; under the circumstances, they sounded like the battle cry of justice:

"From every mountain side,
Let freedom ring."

[From the Saturday Evening Post of January 5, 1952]

THE GOVERNMENT'S BIG GRAB

(By Ed Ainsworth and Cameron Shipp)

In southern California, where citrus fruit, cotton, alfalfa, babies, movie stars, and many other fine products do for a fact thrive and grow phenomenally fast, natives with a stake in these enterprises praise the sunshine with load hosannas and pity the luckless easterner, shivering in his sleet and slush. But in their hearts the southern Californians harbor a bugaboo. It might be called an aquamania. The southern Californians revel in climate, but they are shy on water, which they get by all kinds of ingenious methods—by tapping rivers in other States hundreds of miles away, by spreading their own trickling streams about in complicated irrigation systems, by digging spectacularly deep wells, which frequently run dry.

Without these devices the economy of the region would wilt and perish. There just isn't enough natural water flow in southern California to keep even the geraniums alive.

In the small and pretty town of Fallbrook, 20 miles west of Palomar Mountain, where the astrophysicists peer into outer space through the 200-inch big eye, the Reverend Marshall Ketchum, 26-year-old pastor of the First Methodist Church, was recently called to the front door of his parsonage by a deputy United States marshal and handed—to his horror—a summons to appear in Federal district court and explain why his water should not be cut off.

As a man of conscience, the Reverend Mr. Ketchum hastily consulted his records. True, the Methodists had recently put in a new lawn and had been tending it faithfully, but for the month of September the churchmen had used only $4.70 worth of water.

Meantime, other deputy United States marshals spread dismay through the community. The Christian Scientists, September water bill $3, were ordered to desist. The Baptists, $3.70, were ordered to go dry. Mrs. Mary Hubbard, aged 90, who gets two buckets of water daily from the neighbors because her well has already run out, was handed a summons. Frank Capra, famed motion-picture producer and director, who has 250 acres of avocados under cultivation on a 1,000-acre ranch, was ordered to use no water from his own 7 wells.

All told, with helicopters bearing Government engineers and surveyors hovering over the land and frightening the farmers, the Department of Justice is now in process of serving 14,000 summonses on landowners in the biggest water litigation the arid West has ever known.

The embattled citizens of Fallbrook—all 479 of them—and their farmer neighbors and their Congressmen are raising a ruckus and a clamor about this water battle which, at first blush, and in view of California's renown for alarums, might seem out of proportion even for the stakes involved. But when the tedious evidence and headache-making legal arguments are examined, it appears plain that the Fallbrook case is also a matter of national consequence; if the Federal Government can, by sovereign authority, take California water, then it might, by the same reasoning and authority, take anything anywhere. This possibility, now being vehemently and loudly attacked in the West, has attracted the attention of public men in other States, as, for instance, Congressman JOHN P. SAYLOR, of Pennsylvania.

WHAT WILL THEY TRY TO GRAB NEXT?

"The implication goes far beyond California," Congressman SAYLOR declares. "There is no telling when they may move into the coal fields of Pennsylvania, or into the ore fields of Michigan, or into the great central part of our country."

In view of this, the southern Californians, in their local distress, are violently signaling eastward, especially toward the House of Representatives, to call attention to Fallbrook.

The Government's attempt to seize Fallbrook's water—not some of it, but all of it—involves legal arguments that few laymen, save a Californian with his living at stake, would dream of trying to understand. But the Fallbrook problem can be stated with reasonable simplicity.

The United States bought some land near Fallbrook and that land's water rights. On this land—135,000 acres of it—was established Camp Joseph H. Pendleton, for the training of marines. There are 28,000 marines at Camp Pendleton now.

The camp gets water from the little Santa Margarita River, which flows first through the Fallbrook area on its way to the Pacific and gives water to the farmers. The Attorney General of the United States alleges that all the water from the Santa Margarita belongs to the camp by sovereign and paramount right of the United States and that the Fallbrook people have no business subtracting a drop before it gets to Pendleton unless they can prove in court that they have a right to it. This proof is demanded in spite of the knowledge that their rights to water have been recognized for a half century or more under every principle of law.

They are supposed, the Government argues, to let it flow through and under their properties, not using it for their churches, or quenching their thirst with it, or watering their avocado and lemon trees on which their livelihood depends.

QUEER LITTLE RIVER CAUSES BIG TROUBLE

The Government's demands became generally known only when the United States marshals with their summonses began to appear on Fallbrook's front stoops. To make its case stick, the Attorney General served not only husbands but their wives, too; not only property owners but, curiously enough, residents of a Federal housing project. The Masonic cemetery, not piped for water, was included.

This caused imaginable distress and bad dreams in Fallbrook and in farmhouses all around Fallbrook. But even as the farmers and residents and parsons organized to fight, finding quick help in the Los Angeles Times and in their Congressmen, and as they realized they might become a national issue instead of a mere behind-the-barn fracas, they had to admit that they were either the goats or the heroes of a story plot equipped with surprises and bewildering circumstances.

The whole background is odd, even romantic. And the Santa Margarita River itself is as curious a little river as you might discover outside Bulfinch's Age of Fable.

As of November 1951 at the tail end of California's dry season, the Santa Margarita was no more than what midwesterners would call a "crick" and southerners a "branch," about 2 feet wide and 2 inches deep, piddling through thickets, a pleasant little stream for children who like to snatch at crawdads and minnows. In the spring, if it flashes into sudden flood, which it has not since 1942, the Santa Margarita might become a torrent many feet deep and several hundred feet wide. In any event, the Santa Margarita flows through the farm community into Camp Pendleton and, about 8 miles from the sea, dives underground. It reappears about 2 miles from the shore line.

This disappearing act is not all that is queer about this river. Most of it is underground. A hundred feet deep, sometimes 200 feet deep, it has formed great basins of subterranean water. This is good water, fed by mountain watersheds, mostly the northwest slope of Palomar Mountain.

Both the farmers and the marines, then, get water by tapping the underground river. Not long ago, the marines pumped too heavily near the ocean, and came up with salt water. Spitting bitterly, they hollered for sweet refreshment, and this outcry, innocent enough on the part of the thirsty marines, brought on the gigantic lawsuit.

In the past, the Santa Margarita flowed through or nearby great feudal estates granted to pioneer Pio Pico and his brother by Mexico in 1840. Horse thieves, pirates, and

buccaneers enjoyed the security of the wilderness there, and relished the good drinking water. It was a lush region; so lush, indeed, that wild horses multiplied vigorously, and early ranchers used to round them up and drive them over cliffs, breaking their necks, to get shed of them.

Today, on the rounded slopes of the valley, small ranchers, retired people, professional farmers, have studded the hills with their lemon and avocado groves. The land is fairly expensive—between $1,000 and $1,500 an acre for good avocado ranches.

The people in the Santa Margarita Valley, to be sure, are pretty sophisticated about water fights. They know their history. In California possibly more men have been shot, hanged, or sued about water than have been killed over gold. As a matter of fact, the Santa Margarita itself was for many years the locale of feuding and disputing, though not bloodshed, between two great families, the Vails and the O'Neills, who, between them, once owned most of the land.

These families put the law on each other in 1926, and by 1940 had run up legal bills topping $1,000,000. It seemed prudent at this point to compromise, so they did, happily enough. The O'Neill, or Santa Margarita Ranch, family, came out of court with 66⅔ percent of the water rights, and the Vails with 33⅓ percent. In short, the feuding families, to all appearances, got all the water between them.

But, respecting tradition so hoary that it amounts to common law in the State, they recognized the water rights of all the other farmers along the way. These other farmers went right on using the water they had been accustomed to take from the ground. There was no thought of opposition from either Vail or O'Neill, for they were recognizing two basic western principles regarding water rights. The first is the riparian, or the right of a landowner to use water as it passes his property. The second is known as the right of first use. Indeed, all the water battles of the West have sprung from attempts to reconcile these two principles. Herein lies the nub of the dispute between Fallbrook and the Federals.

It was the Santa Margarita Ranch property that the United States Government bought for the marines. And the United States Government does not propose to abide by the agreement of 1940 settling the Vail-O'Neill dispute and recognizing the claim of the neighbors to their traditional share of water.

Why? This question will inspire expostulation and raised fists anywhere within 50 miles of Fallbrook. The embattled farmers and townfolk, their legal counsel, their representatives in Congress and their increasing number of supporters, have settled on an explanation to that by nominating a villain.

Rightly or wrongly they blame one man, William H. Veeder, 40-year-old special assistant to the Attorney General. Mr. Veeder, a Montanan, graduate of the University of Montana, practiced law in Denver before joining the Government in the Department of Agriculture, from which he moved to Justice in 1944 as a specialist in irrigation law. Mr. Veeder undoubtedly has many friends elsewhere, but no fan club in Fallbrook.

It was Mr. Veeder who prayed a Federal district court to declare that "all the rights of the United States of America in and to the Santa Margarita River are paramount to the rights of the defendants."

That word "paramount" sticks in the craws of Californians as "taxation without representation" disturbed certain other Americans nearly 200 years ago. Mr. Veeder used another word in his pleadings to the court which makes Californians shudder. That word is "sovereign," as applied to the rights of the United States as against the people of California. "Where, now, are State rights?" cry the farmers.

Attorneys for the farmers note a threat in the Government's Fallbrook suit which, they point out, should alarm every westerner. This one, they say, is an aftermath of the plea made in 1944 in a Nebraska against Wyoming water case, in which the Federal Government by plain intent laid claim to water in all nonnavigable streams in the West in its sovereign capacity.

The net effect of such claims is interpreted by the defendants as an attack upon all State water laws. If upheld, it is argued, this means the central authority could, at any time, assert "paramount" and "sovereign" rights.

Mr. Veeder, arguing for the United States on May 9 before Judge Jacob Weinberger in the United States District Court, Southern District of California, Southern Division, declared, inasmuch as Camp Joseph H. Pendleton is a military establishment and owns riparian, or riverside, rights to the Santa Margarita, "that Congress, and Congress alone, has the power in regard to these waters and that the laws of the State of California do not pertain to them."

When the United States Marines first tasted bitter water, having tapped the ocean instead of the Santa Margarita with their wells—that was in 1948—Camp Pendleton and the natives, who have always been good neighbors, and still are, worked out an agreement. They decided in 1949 to build a dam, impound some of the water from the Santa Margarita, and give the camp 12,500 acre-feet of water a year and the farmers and townspeople 7,500 acre-feet. (One acre-foot equals 325,000 gallons.)

This agreement was shunned by the Department of Justice and wrecked, the Fallbrook people say, by Veeder. Mr. Veeder, it may be said in his defense, takes at all times a strong position against giving away public property and, since it would seem unlikely for him to have any local prejudice in the matter, is in the case as a professional upholding the principles of his superiors. At any rate, Veeder squashed the agreement and brought suit—not for the 12,500 acre-feet of water the Navy and Marine Corps say they require, but for all the water. He went a good deal further than that. He specified 35,000 acre-feet of water. This is optimism in high-flown style. For the past 40 years the Santa Margarita has flowed only about 24,000 acre-feet a year.

That was an astonisher, but it was capped by another. There exists legislation, passed by the Congress and signed by President Truman, to bring a large supply of water to Pendleton from the Colorado River through the Metropolitan Water District aqueduct at a cost of $18,000,000. This was urged by President Roosevelt as far back as 1944, with both the Navy and the Marine Corps asking for it. But the Justice Department passed this by also and filed suit. Fallbrook people clapped their brows and wondered what goes on in Washington.

The resultant uproar has inspired two congressional investigations. The House Judiciary Subcommittee, headed by Representative WALTER, of Pennsylvania, called in A. Devitt Vanech, Assistant United States Attorney General, and pressed him for reasons why all the small defendants—the 14,000 confused and frightened farmers—could not be eliminated from the suit. At the climax Mr. Vanech was asked the direct question: Would the small defendants actually have to go to court?

"No," said Vanech.

But when the transcript of testimony went to Vanech he "clarified" his statement by declaring that the little people, after all, would most certainly have to go to court. This set off another explosion which aroused a great many more people, especially the Los Angeles Times, which thundered mightily, and at least a partial victory was won. The little people gained a delay and do not have to answer in court until February.

Encouraged at least a little, the farmers then pleaded for a congressional committee to come out and look at the river and the farms themselves. Last August the Irrigation and Reclamation Subcommittee of the House Interior and Insular Affairs Committee did come to Fallbrook, with interesting results.

The subcommittee was headed by Representative CLAIR ENGLE, Democrat, of Red Bluff, Calif., a water authority himself, and included four other Congressmen: JOHN SAYLOR, Republican, of Pennsylvania; WALTER BARING, Democrat, of Nevada; NORRIS POULSON, Republican; and SAMUEL YORTY, Democrat, of Los Angeles.

They met in the high-school auditorium on August 13 and 14, with the committeemen sitting at a table under a class motto which proclaimed: Do or die. The farmers told their stories simply enough, but it is a matter of record that their cheeks were hot with anger.

H. H. Bergman said that his grandfather came over from Europe to escape oppression by Bismarck. His grandfather Bergman walked across the continent to reach the headwaters of the Santa Margarita, 30 miles upstream from the present site of Camp Pendleton. The old Bergman place, he said, had been farmed first by Indians, and later by Mexicans, all using water, so we thought we had a pretty good right to it.

Joe Hays, who owns a farm that was homesteaded in 1890, was asked by a committeeman if the water suit had changed his opinion of the Government of the United States. Mr. Hays thought that over carefully.

"The real government is you and I," he said. "And we must get on the ball and see that we have proper government."

Mrs. Hubbard, the 90-year-old two-bucket pensioner, told how she had had her well drilled to useless depths in blue granite, had found no spot of dampness, and was now being sued for her water rights. And so it went.

At the end, amid deep, approving silence, Chairman ENGLE reaffirmed his belief in State rights, called the action by the Attorney General "unreasonable and incomprehensible," and scorched the Government attorneys as "legal sadists."

Then and there, the subcommittee passed a resolution to present to the Congress a bill to put the original water agreement between Fallbrook and Camp Pendleton into effect, to reaffirm State rights in nonnavigable streams, and to render void the Attorney General's suit.

Back in Washington, the subcommittee wrote a biting report which said in part:

"Nothing which developed indicated the necessity or any good reason for bringing suit involving thousands of defendants with trifling or nonexisting water claims. No useful purpose is being served by securing a legal and encyclopedic definition of water rights down to the last bucketful. It can be concluded that the legal theorists in the Attorney General's office have unnecessarily put the Federal taxpayers to great expense and the local people to great provocation and legal expense for no practical reason whatever."

The subcommittee quickly kept its word and did introduce a resolution, H. R. 5368, to settle the fight by activating the Pendleton-Fallbrook agreement of 1949 and forbidding further Federal encroachment. But on a trip to Los Angeles later in the year, Attorney General McGrath said in an interview that the suit would continue despite the investigations of any congressional committee, and announced that only a formal order from the entire Congress would compel him to drop suit. He refused to consider a truce pending what action Congress may take when it was suggested that such an armistice would save a lot of money. "There is nothing unusual about the case," he said. The serving of complaints against

the 14,000 farmers and citizens in and near Fallbrook continues.

Gov. Earl Warren, of California, struck back, "In the Fallbrook case in southern California the Federal Government is attempting to invoke the doctrine of the tidelands on the upland waters. This is distressing us very greatly."

Attorney General Daniel, of Texas, echoes the States-right view. "They haven't changed their complaint, have they?" he said. "It was the one word 'paramount' on one page of the long tidelands case that the court picked out for its decision against the States. The word 'paramount' is in the Fallbrook complaint, too."

Relief for Fallbrook may come when Congress convenes this month, but how fast the House of Representatives can act on H. R. 5368 is conjectural—the mills of the Congress grind slowly and there may be supporters of the Attorney General's view who will belabor the resolution and delay it. Fallbrook and all of southern California interested in water, which means everybody with a stake in the community, hopes that Congress will move swiftly. The February deadline for the trial approaches.

Even so, southern Californians are considerably cheered up. Their dilemma has been officially recognized as far more than a local squabble. It is eminently possible that the Fallbrook decision may become very celebrated indeed in the history of State rights.

Spirits in Fallbrook soared to prankish proportions on the afternoon of November 21, 1951. It rained hard that day, and the Santa Margarita gurgled and overflowed a little. Jim Wayman, Ed Berg, and Carroll Huscher, who comprise the local committee in the water fight, hurried, grinning, to the telegraph office and got off the following wire to Attorney General McGrath:

"Water now falling all over Santa Margarita River watershed. Assume you claim it for Government. Please wire instructions what to do with it."

Curiously enough, in view of the rancor this dispute has inspired, there is no bad feeling between Fallbrook and Camp Pendleton. Many marine officers live in town and send their children to the public schools, and, all told, relations between townies and marines have always been and still are happy. The marines, indeed, although next to the farmers they are the people most affected, have been extremely careful to stay out of the dispute, and the farmers are not inclined to blame them.

Actually, although it is charged that the marines maintain an 18-hole golf course and use water for flower beds, it is true that for some time they have been attempting to conserve water in a self-imposed austerity program. Almost complete now is a sewage-conversion plant which will turn 90 percent of the sewage into potable water. Officers' cars are now washed off the post, not on it.

Still, Pendleton does require a great deal of water. Besides its 28,000 marines in training for Korea, it supports a naval-ammunition dump which supplies both the fleet and the Marine Corps, and a 1,500-bed hospital. All this was established at a cost of more than $100,000,000 on a coastline with peculiar advantages for the training of amphibious warriors, for experiments with landing craft, and for logistic support. Camp Pendleton, Korean war or no Korean war, is obviously here to stay. But so, say the farmers, are they.

But both marines and farmers, carrying on their traditionally friendly attitude, indicate their troubles could be worked out with water for both, if the Attorney General would go and sue somewhere else.

Mr. KNOWLAND. Mr. President, on September 28, 1951, Mr. T. H. Silver and Mr. Otho Keefe, president and secretary, respectively, of the Pleasanton Township County Water District, wrote me with respect to the water situation in the vicinity of the Camp Parks Air Force Base. In effect, the water district pointed out that water requirements for both domestic and agricultural uses depended on underground water supplies and suggested that the city of San Francisco was willing to serve the Camp Parks Air Force Base with water from their Hetch Hetchy pipe line, which the city of San Francisco has developed over a period of years.

Mr. President, I ask unanimous consent that the Pleasanton Township County Water District's letter be placed in the RECORD at this point of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PLEASANTON TOWNSHIP
COUNTY WATER DISTRICT,
Pleasanton, Calif., September 28, 1951.

Senator WILLIAM F. KNOWLAND,
Senate Office Building,
Washington, D. C.

DEAR SENATOR KNOWLAND: It is most imperative that the citizens of the Pleasanton area do everything within their power to conserve the remaining underground supply of water in order to meet the bare minimum supply requirements for domestic and agriculture uses.

We are soliciting your aid in this vital matter.

Due to the fact that the water table of underground water supply in the Pleasanton area has been receding for the past 6 years, the water table is at a new all-time low.

Camp Parks Air Force Base is now being built here in the Pleasanton area. It is our understanding that this base intends to pump their water supply from wells here near Pleasanton. It can readily be seen that this substantial additional usage of water from the present meager underground supply will deplete this supply to a point where the water supply for everybody in the Pleasanton area, including the Air Force, will be in constant jeopardy.

We have been informed the city of San Francisco is willing to serve Camp Parks Air Force Base with water from their Hetch Hetchy pipe line. This pipe line is about 10 miles distance from Camp Parks Air Force Base. Although it would be necessary for the Air Force to construct a pipe line this distance of 10 miles, it would be a permanent solution of their water needs at Camp Parks.

This outside source of water for the Camp Parks Air Force Base could mean to many of the domestic and agriculture water users in this area, the difference in a water supply and no supply whatsoever.

We wish again to stress the vital importance of this matter to this area. We request your immediate action in supporting the securing of a water supply for the Camp Parks Air Force Base from the Hetch Hetchy pipe line, which will conserve the water supply for everybody in the Pleasanton area.

Yours very truly,

PLEASANTON TOWNSHIP COUNTY
WATER DISTRICT,
T. H. SILVER, *President.*
OTHO KEEFE, *Secretary.*

Mr. KNOWLAND. Mr. President, under date of November 16, 1951, I received a reply from the Air Force which in effect stated that the water from Hetch Hetchy would cost $0.277 per thousand gallons, whereas the operational and maintenance cost for the Government-owned wells should not exceed $0.10 per thousand gallons, and estimated that by using the Government-owned wells a saving in the amount of $133,000 would be effected in annual operating cost alone. Apparently the Government's position is that they need water, some water is available, and they are going to get the water at the cheapest possible price, irrespective of what the effect is on the area.

Mr. President, I ask unanimous consent that the Air Force's reply be included in the RECORD at this point of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, November 16, 1951.

Hon. WILLIAM F. KNOWLAND,
United States Senate.

DEAR SENATOR KNOWLAND: This is in reply to your expressed interest in the water supply for the Pleasanton area of California. I regret the delay in furnishing you with a final reply on this subject; however, it was necessary that an investigation be conducted in order to ascertain all of the facts in this matter.

The present rate of use of the groundwater resources in the Livermore Valley indicates an overdraft of approximately 6,000 acre-feet per year. Included in the gross annual withdrawal of 35,000 acre-feet of water from the underground strata are approximately 6,000 acre-feet which are pumped by the city of San Francisco.

It is understood that the State of California, in recognition of the inadequate water supply for the Pleasanton area, has completed a study to determine if surface water from the San Joaquin Delta can be supplied for all of the future domestic and irrigation needs of the surrounding valley. Information available in Air Force headquarters indicates that the authority for the sale of construction bonds for this program was granted on July 11, 1951.

It is anticipated that the projected water requirements for Parks Air Force Base will reach approximately 2,300 acre-feet per year. In this connection, the two well fields which supply water to Parks Air Force Base are Government-owned, and it has been determined that adequate water for all of the base's needs will be available from this source upon completion of the present rehabilitation program. The estimated cost for this rehabilitation is approximately $53,-314 as compared to the estimated cost of $1,500,000, plus the cost for real estate and right-of-way acquisitions in the instance of the Air Force connecting to the Hetch-Hetchy conduit. In addition, the Hetch-Hetchy water would cost the Government about $0.277 per thousand gallons, whereas the operational and maintenance cost for the Government-owned wells should not exceed $0.10 per thousand gallons. Therefore, in utilizing the Government-owned well supply, a savings in the amount of $133,000 would be effected in annual operating cost alone.

In view of the firm water supply for the Livermore Valley which has been projected by the State of California and the excessive construction and water-purchase costs to the Government in the instance of using the Hetch Hetchy water-line extensions, it is felt that the best interest of the Government will be served by utilizing the existing Government water rights as a means of supplying the immediate and near-term requirements for Parks Air Force Base.

I am happy to have been of service in obtaining this information for you.

Sincerely yours,

FREDERIC H. MILLER., Jr.,
Colonel, USAF, for and in the Absence of Robert E. L. Eaton, Brigadier General, USAF, Director, Legislation and Liaison.

Mr. KNOWLAND. Mr. President, on receipt of this letter, I contacted the city and county of San Francisco, advised them of the Air Force's position, and inquired as to the views of the community. In reply, the San Francisco Water Department, under date of December 14, 1951, and December 21, 1951, indicated that apparently the Air Force did not have access to all information, and stated that the water will not cost 27.7 cents per thousand gallons, but will cost 19.4 cents to 19.3 cents per thousand gallons, predicated on a use of from four to six million gallons a day.

In one portion of the December 14 letter Mr. George W. Pracy, general manager and chief engineer, states:

The Federal Government does not have any water rights regarding the 100-acre tract, except for use on the 100-acre itself, although they have gone ahead, in their usual way, and installed pumps and pipelines for taking water from that area. As soon as they start taking the water it will be necessary for us to institute legal action which we will do.

Mr. President, I ask unanimous consent that both letters from the San Francisco Water District be included in the RECORD at this point in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DECEMBER 14, 1951.

Mr. FRANK V. KEESLING, Jr.,
San Francisco, Calif.

DEAR SIR: I am in receipt of the facsimile copies of the letter from Col. F. H. Miller, Jr., to Senator KNOWLAND relative to the water supply for Camp Parks, which is located on the northerly edge of the Pleasanton Valley. The alternate sources of water supply are Pleasanton Valley itself or water from the Hetch Hetchy pipeline. Our story in this matter is as follows:

In 1889 when the Spring Valley Water Co. first started taking water from that area until 1909 there was artesian flow into Laguna Creek which drains Pleasanton Valley. This artesian flow was captured by the Spring Valley Water Co. at its diversion works in Niles Canyon and brought into the city. In 1909 it was necessary to bring in more water and the Spring Valley Water Co. started pumping water from the valley, and continued this pumping until Hetch Hetchy water arrived here in October 1934. The valley then again began to fill with water until in the latter part of 1937 the water again began to have an artesian flow. During this 38-year period the water company took out an average of 5,310,000 gallons a day, or about 6,000 acre-feet per year. This amount of water, together with the water taken locally by the farmers, was the yield of the valley for that 38-year period. When Spring Valley started pumping from the valley, it caused considerable discussion among the landowners there with the result that in 1916 the Spring Valley Water Co., and the Pleasanton Township County Water District entered into an agreement concerning the waters of the valley whereby the water company agreed to pay the cost of installing and maintaining certain wells, and the cost of pumping from these wells when the water level dropped below a certain amount. This water level was measured in a selected pilot well.

In 1930 the city purchased the Spring Valley plant taking with it all of the obligations of this agreement in the Pleasanton Valley, and since that time we have been making payments as required by the agreement. In 1942 Camp Parks was constructed and the same year they began pumping water from the valley for use in the camp. They purchased by condemnation two parcels of land within the Pleasanton Township County Water District from which to get their water. On one parcel of 4.105 acres the Navy not only condemned the land, but condemned the right to export water underlying the land. On the other parcel of 100 acres, the Navy condemned only the land and particularly exempted from the condemnation suit the right to export water therefrom. Camp Parks was in active use during the war and to some degree afterward. During the period between 1943 and 1948, the period of greatest activity in the camp, the water level dropped in the valley as measured in the pilot well 41.90 feet. In February of 1948 the water department again started pumping water and continued to do so until April 1949, a period of 15 months. During this 15-month period, the water level had a further drop of approximately 9 feet. By 1951 the water level had risen to a point 3 feet below the 1948 level. The water department is not now drawing water from the valley, and will not draw any for the next few years. It is important to us, however, to have the valley filled with water, so that in case of necessity we can draw upon it for our supply. It really serves us as a large underground storage reservoir.

I might add that our purchase from the Spring Valley Water Co. included the water rights to some 5,000 acres of land which they owned, but which have now been sold to other owners less the water rights except for use on said land.

Camp Parks now is being activated on a permanent basis. In their statement to the Water Pollution Board, in connection with their sewage-disposal problem, they stated that they were planning for 40,000 population. This population will use not less than 4,000,000 and may be as high as 6,000,000 gallons per day or a use of from 4,500 to 6,500 acre-feet a year. The valley cannot furnish this draft on a permanent basis, particularly as the farmers in the valley have now turned almost entirely to irrigated crops instead of the hay and grain formerly raised. If Camp Parks takes this water, it will mean serious damage to the farmers and also considerable cost to us due to our Pleasanton-township agreement. It was the farmers who raised the issue more than we did, although we are definitely involved. Unfortunately, the alternate supply is from our own Hetch-Hetchy system. The colonel's letter is in error in stating that our water will cost them 27.7 cents per thousand gallons. Purchased in these quantities, the average cost will be from 19.4 to 19.3 cents per thousand gallons depending upon a use of 4,000,000 or 6,000,000 gallons a day. With Colonel Miller's consumption figure of 2,300 acre-feet per year, the average cost would be 19.6 cents per thousand gallons.

The Federal Government does not have any water rights regarding the 100-acre tract, except for use on the 100 acres itself, although they have gone ahead, in their usual way, and installed pumps and pipelines for taking water from that area. As soon as they start taking the water it will be necessary for us to institute legal action which we will do.

I am anxious to get some solution to this problem which will be an equitable one as to all three parties concerned—ourselves, the farmers, and the Government.

Very truly yours,

GEO. W. PRACY,
General Manager and Chief Engineer.

SAN FRANCISCO WATER DEPARTMENT,
San Francisco, Calif., December 21, 1951.

Mr. FRANCIS V. KEESLING, JR.,
San Francisco, Calif.

DEAR SIR: Under date of December 14, 1951, we wrote you giving a factual presentation of the Pleasanton Valley controversy over the use of its subterranean waters.

Going beyond that into the matter of opinion, it is my opinion that the particular agency of the Federal Government involved has gone into and prepared to take water from the Pleasonton Valley without the slightest consideration as to the ownership of that water or the rights that anyone may have in the matter. The city of San Francisco obtained its water rights in conformity with the laws of the State of California, and paid large sums of money for the rights it has there. The farmers in the valley, and also downstream in the Niles Cone area, have also developed their rights in conformity with the California laws, and they are entitled to have those rights respected. The city has entered into an agreement with the farmers which does protect them to a very small extent at the city's expense, and which will be entirely upset if the Federal Government draws the water, which they are planning to take for the supply of Camp Parks. The use of the water for Camp Parks will put a perpetual burden on the city to pay for what the Federal Government takes.

Water in California is a valuable commodity which costs large sums of money to obtain and make ready for use. By going into the valley, as it is doing, the Federal Government is taking what they consider to be cheap water for them, but which cheapness will be at the expense of San Francisco and particularly the farmers. If the Federal Government needs the water, they should pay for it at the rate which it has cost to develop it, which is typified by the rates made necessary by the large costs of bringing in water from the Sierra Nevada Mountains through the Hetch Hetchy conduit. If cheaper water were available, we certainly would avail ourselves of it. The Federal Government, in my opinion, has no right to go in and take property without paying a fair cost; which they, either knowing or unwittingly, are doing in this instance.

Very truly yours,

GEORGE W. PRACY,
General Manager and Chief Engineer.

Mr. KNOWLAND. Mr. President, I also ask that a letter addressed to me under date of January 8, 1952, from the Alameda County Water District, be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALAMEDA COUNTY WATER DISTRICT,
Centerville, Calif., January 8, 1952.

The Honorable WILLIAM F. KNOWLAND,
Senator from California,
Tribune Tower, Oakland, Calif.

DEAR SENATOR KNOWLAND: May we refer you to our letter of October 25, 1951, concerning the water supply problem facing our area and the Pleasanton area as a result of the rehabilitation of the Camp Parks Air Force Base.

We have received a copy of the report on this situation dated November 16, 1951, written by Frederic H. Miller, Jr., colonel, United States Air Force, and have reviewed this report with considerable dismay. Much of the pertinent information presented is far from factual as we know it to exist. With this in mind may we review the report as follows:

A. Paragraph (2) states that the city of San Francisco withdraws an average of 6,000 acre-feet annually, providing the inference that this condition prevails up to the present time.

This inference is incorrect in that San Francisco did not export water from its Pleasanton source from 1941 to 1948, with the exception of artesian flow. For a period of 15 months in 1948–49 they resumed exporting and subsequent to that time they have pumped only a nominal quantity to take care of their obligations within the Pleasanton water district area.

This point can be corroborated either from record or by actually contacting the various inhabitants of the immediate area of pumping.

B. Paragraph (3) indicates that the State of California has completed a study and has granted authority for sale of construction bonds for a project to bring water from the San Joaquin Delta into this area to take care of the deficiency. May we point out that this project is just a part of the over-all State water plan and that the study referred to is a report on the feasibility only of the project. From this it is apparent that many years will elapse before any water could be delivered under such a plan. In the interim, irreparable damage can and will occur.

C. Paragraph (4) quotes a cost estimate approximately $1,500,000 plus real-estate and right-of-way acquisition for the Air Force to connect to the Hetch Hetchy conduit as was recommended.

The distance for such a pipeline measured by automobile speedometer along the public highway has been found to be about 50,000 feet, this route being the longest possible. Based upon this distance and the estimated cost of paragraph (4), the estimated cost of such a conduit would be $30 per foot.

From public records of bids of 1949, a 25-inch welded-steel cement-lined conduit cost $11 per foot over similar terrain. This particular project referred to extends from the city of Hayward water system along the Niles Road to the San Francisco aqueduct near Mission San Jose, Calif.

The requirements for Camp Parks would be a 20-inch conduit; therefore, any increase in cost since 1949 would be more than compensated for by the fact that the line would be smaller, so that the $11 per foot cost would be appropriate.

As is apparent, then, the cost of such a conduit would be approximately $550,000, and not $1,500,000.

As far as the right-of-way is concerned, may we point out that about 80 percent would fall on San Francisco property. From our own experience, we know that San Francisco has been most cooperative in matters of this nature, and it would be our opinion that there probably would be no charge for such a right-of-way.

Another very important point is that we, as a water district, purchase water from San Francisco, and therefore have their rate schedules available. May we correct the quoted cost of $0.277 per thousand gallons to $0.20 per thousand. From this, then, the saving over well water to the Government compared with Hetch Hetchy water would not be $133,000 but $74,000 annually.

We felt certain that you would be extremely interested in learning of the inaccuracies of the report as presented by Colonel Miller and would be desirous of investigating this vital matter further.

Very truly yours,

[SEAL] H. F. HARROLD, *Secretary.*

Mr. KNOWLAND. Mr. President, I have called this situation to the attention of the Senate today, because water is a basic natural resource to those of us who live in the more arid Western States. It is essential to develop our water resources for the maximum beneficial use, which, of course, includes the needs of the Federal Government. However, Mr. President, we are firmly convinced that they must be developed and used under established State laws. The people of the West will not sit idly by and let anybody, including the Federal Government, take their water.

It would seem to me that the Attorney General of the United States should call a conference and work out some equitable plan of cooperation with the States wherein the various agencies of the Federal Government can be assured of adequate water supplies at the cheapest possible price and still not infringe upon the water rights acquired by individuals under State law. Greater problems than this have in the past been solved through conference, and if the Federal Government and the various States have an opportunity of going into the matter, I am sure that an equitable solution to this problem can be found without engaging in a long drawn out and expensive legal action.

I merely wish to say in conclusion, Mr. President, that I have been privileged in part to represent California in the Senate of the United States for about 7 years, and each year I am a Member of the Senate I become more firm in my conviction that it is important that the Senate and the House of Representatives should stand up for the rights of the States, because one of the greatest dangers the American people face is the constant encroachment by the Federal Government upon the several States in the Union, and if this tendency is not challenged in this water matter and other matters, I am very fearful that there will be a concentration of power in the Nation's Capital which will be detrimental to our entire system of constitutional government.

HOME RULE FOR THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (S. 1976) to provide for home rule in the District of Columbia.

Mr. JOHNSTON of South Carolina. Mr. President, in the discussion of the pending bill I hope to show to the Senate and to the people of the District, as well as to the people of the United States, that it is not in the best interests of the District that this particular legislation be passed; and I shall state my reasons in support of my contention. I shall undertake to discuss this matter almost entirely from a constitutional standpoint.

Senate bill 1976 has been reported by the District of Columbia Committee of the Senate, without amendment, and is now before us for consideration.

There are many individual sections of the bill which I find objectionable, and I shall later address myself briefly to a few of them. On the whole, the entire bill is objectionable to me. It states in the first sentence of its preamble that it is to provide for home rule in the District of Columbia and is to be known as the District of Columbia Charter Act.

The opposition to this measure may be grouped into two general divisions. One division of that opposition may be classified or denominated "policy." What should be our policy toward this measure, our policy under the existing constitutional language in accordance with which we enact legislation exclusively for the seat of our Government? The other division of the opposition to this or any other so-called home-rule measure may be classified under "rightful exercise of the legal power" vested exclusively in the Congress by the Constitution.

Now as I read the appeals of those favoring this measure—the individuals, the groups, and organizations—and as other Members of the Senate will find, too, if they read the record of the hearings, 90 percent of them are addressed to us from a policy point of view. I dare say less, a great deal less, than 10 percent are devoted to assisting us in determining what is a proper exercise of the power vested in us, and the judicial construction of the clause of the Constitution conferring that power upon us.

This and other similar bills have developed much heat for us and upon us. The groups appealing to our sense of policy have given us very little light that would assist us in the determination of whatever power we may possess for doing the things this bill would have us do.

It is therefore to the question of power—the exercise of that power; the judicial construction of that power; the limit of that power; the exclusiveness in the Congress of that power—that I wish to address myself now.

If as I see it we have no power permitting us to delegate our legislative functions, then the question of policy becomes secondary, immaterial, and of no consequence. If the proponents of this measure had applied to the question of power that zeal, industry, and ability which they have applied in their efforts to persuade the Congress as to what its policy should be, then perhaps our labors with respect to the bill would have been immeasurably lessened. We would then have more light and less heat on a highly controversial measure.

It may be disappointing to some hearing my remarks, reading them, or reading or hearing the comment that may be made on them, Mr. President, that I have not consumed your time on the question of policy. I shall treat of this phase or division of the opposition only as it shall or may have a direct bearing on the other division, namely, the proper and rightful exercise of our power—our constitutional power.

The bill makes no pretense at defining home rule. Nowhere in the bill are we advised by its terms of what constitutes home rule. Specified powers are enumerated which the bill purports shall be transferred to a local elective council, without regard to whether those powers are legislative or purely regulatory as in the case of purely municipal regulations or ordinances. The power is denominated an ordinance, but it is legislation, as I shall attempt to explain, as I understand the difference between the two terms.

In the record of the hearings on the other so-called home-rule bills—and this is merely a rehash of them and a reshaping of language of the Territorial Act of 1871—those bills were variously called phony, subterfuge, swindle, synthetic home rule, unreal, and bills giving only limited suffrage. Those are hard terms. They imply suspicion as to motives. If Congress were to pass this or any other of the bills, I very much fear that much justification would be created for those characterizations.

We must engage in a great deal of speculation, considerable conjecture, and call upon a vivid imagination in order

to come to any sound conclusion that the pending measure, in its most favorable light, establishes home rule, as the term is ordinarily used, or that it can be considered a charter for home rule in any general acceptance of the meaning of those words. We shall have to permit ourselves to engage in a great deal of loose reasoning and reach many improper conclusions, if in clear conscience we are to classify this measure as one establishing so-called home rule for the District of Columbia or giving it any worth-while grant of local autonomy fulfilling, except in name only, any reasonable concept of the attributes of such a classification.

Many of us are aware of the sincere and conscientious effort of responsible Members of this body and responsible Members of our counterpart in the House of Representatives who are honestly motivated by a desire to relieve the Congress of the burden of trivia and minutiae devolving upon us in legislating for the seat of our National Government. Likewise there are those amongst us who have an equally sincere desire to give the people of the District of Columbia some constructive means of assuming a fair share in the responsibility and direction of their local affairs and in the improvement, if need be, of the efficiency of the local administration, although improvement in administration alone is not now urged as one of the compelling or justifiable reasons back of the proposed legislation. These are worthy motives, and such broad objectives carry with them a very natural appeal to those who value a proper concept of our American way of life and our form of Government.

There is a natural resentment on the part of every good American when he is denied a voice in the choosing of those who may make the laws or in the selection of those who may enforce such laws. This resentment constitutes a powerful persuasion to many in this body as well as in the House of Representatives. In truth, a people governed by those not of their choosing may rightfully object, because the result is a form of "taxation without representation" which constituted possibly one of the most compelling of the primary causes of our separation from the Government of England and the formation of the Government of the United States.

If, as some wish, we would desire to rid ourselves of the details and endless responsibilities in connection with the government of the District of Columbia, this bill, I fear, will fail miserably to accomplish such a result. I believe that in the end it will add to our duties, increase our responsibilities, and, as experience once has demonstated, multiply our labors in the performance of our constitutional functions as the only truly legislative body constitutionally created for the District of Columbia.

So far as real home rule is concerned, the measure fails far short of the accomplishment of any such thing, either now, in the immediate future, or in the years to come. Under the provisions of the Constitution, no such thing as genuine legislative home-rule is presently legally possible unless the Congress wilfully abdicates its constitutional obligations.

Before going into detail on this subject, let us explore a little of the historical background leading to the creation of the District of Columbia, the several forms of government heretofore established and previously prevailing here, and treat briefly of the present municipal form of government which, incidentally, has lasted longer and proved more satisfactory than any of the others.

There is little of record among the written works of the founding fathers which may guide us in seeking their motives in the employment of the language they adopted in the pertinent clause of the Constitution relative to the government of the District of Columbia. We are told by H. P. Caemmerer, in Senate Document 332, of the Seventy-first Congress, third session, with respect to the selection of a seat for the Federal Government, among other things, that when the Continental Congress was meeting at Independence Hall in Philadelphia, a band of soldiers, about 300 in number, proceeded from Lancaster, Pa., to Philadelphia, where Congress and the Executive Council were in session, and on June 17, 1783, surrounded that building but attempted no violence. Occasionally, offensive language was used and muskets were pointed at the windows of the Halls of Congress. No one was injured. That night the soldiers departed. Congress immediately adjourned and met in Princeton, N. J., 8 days later. This incident led to the appointment of a committee, with James Madison, of Virginia, as chairman, for the purpose of selecting a permanent seat of the Government. The committee reported on two questions: First, the extent of the district necessary; and second, the power to be exercised by the Congress in that district.

On May 29, 1787, Charles Pinckney, inadvertently referred to as being from Maryland, but who in fact was from South Carolina, introduced the section relating to the Federal district in the form in which it became a part of the Constitution of the United States—article I, section 8, paragraph 17. Mr. Caemmerer, in his work at page 6, further relates:

> There was objection on the part of some lest such a provision in the Federal Constitution would create a government that would become despotic and tyrannical and result in unjust discrimination in matters of trade and commerce between the merchants within and outside of the district. But, on the other hand, the advocates for a Federal city over which Congress would have exclusive jurisdiction called attention to the great importance for the Government to have a permanent residence for the Congress and the executive departments, with their files and records properly housed, and cited the meeting in Philadelphia as an illustration as to what might happen to the Government again in the absence of such Federal authority. On September 17, 1787, the Constitution of the United States was adopted and soon after was ratified by a majority of the States.

The works of Mr. Caemmerer were printed for the use of the Senate and the House of Representatives under concurrent resolution adopted March 3, 1931.

Several types of local government have preceded the one now existing in the District of Columbia. The District at one time was much larger in area than it is today. When the Government was moved to the Federal city in 1800, an area 10 miles square was ceded for it. In this area there were two municipal corporations, the corporation of the city of Alexandria, theretofore incorporated by the State of Virginia, and the corporation of the city of Georgetown, theretofore incorporated by the State of Maryland.

The first legislation by Congress in connection with the formation of a local government here was known as the Organic Act of 1801, following the removal of the seat of government to this locality—Second Statute 103, chapter 15. This was preceded by the several acts of cession by the State of Maryland and the State of Virginia, the congressional acceptance of such ceded territory, and the survey of the same as proclaimed by President Washington.

While this act of February 27, 1801, established a government for what is now known as the District of Columbia, it failed to set up a complete local government. It created two counties, Washington County being the area outside the cities of Washington and Georgetown on the Maryland side of the Potomac River, and Alexandria County being the area beyond the city limits of Alexandria on the Virginia side of the river. A circuit court was established, the office of the Register of Wills was created, and court attachés provided for.

On May 3, 1802—Second Statute 195, chapter 53—an act was approved incorporating the city of Washington. The first most complete government of Washington consisted of a mayor appointed annually by the President of the United States and a city council, elected annually by the people of the city. There were then within the 10 miles square, five distinct local administrative units, namely:

The corporation of Washington;
The corporation of Georgetown;
The corporation of Alexandria;
The county of Washington; and
The county of Alexandria.

By the retrocession acts, these five units were reduced to three, the county of Alexandria and the corporation of Alexandria being retroceded to Virginia. The members of the city councils of the three remaining municipalities were elected as were the mayors of Georgetown and Alexandria.

By act of May 4, 1812—Second Statute 721, chapter 75—the people elected a board of aldermen for a 2-year term, and a council for a 1-year term, and the mayor was elected annually by the board of aldermen and the common council in joint session.

On May 15, 1820—Third Statute 583, chapter 104—the mayor, the common council, and the board of aldermen were elected by the inhabitants of Washington. The term of mayor was 2 years.

From 1820, with little change, until the act approved February 21, 1871—Sixteenth Statute 419, chapter 62—the mayor and city council form of government controlled the municipalities in the District of Columbia.

When the last-mentioned act was passed, the corporations of Georgetown

and Washington and the levy court for Washington County were abolished, and the so-called territorial form of government was established. That government was composed principally of a governor, a board of public works, a delegate to Congress, a board of health, and a legislative assembly. The legislative assembly was composed of a council of 11 members and a house of delegates of 22 members. The delegate who sat in Congress was elected by the people of the District of Columbia.

The governor was appointed by the President of the United States. With certain apportionment features, the legislative power and authority in the District was vested in a legislative assembly. The council, consisting of 11 members, was appointed by the President, and the house of delegates, consisting of 22 members, was elected by the people of the District of Columbia. Without going into further detail for the moment, it should be noted that, as specified in the act, this Territorial government lasted until June 20, 1874, when a temporary government, consisting of three Commissioners appointed by the President, was established.

The organic act establishing the present form of government was approved June 11, 1878 (20 Stat. 102). This act provided the present and a permanent form of government, as a municipal corporation, having jurisdiction over all the territory ceded by the State of Maryland to the Congress of the United States for the permanent seat of the government of the United States. The three Commissioners were appointed by the President of the United States, one being assigned from the Engineer Corps of the Army.

This commission form of government was vested with jurisdiction covering all the ordinary features of any local municipal government and has remained in principle the same since its formation.

To recapitulate: In varying forms, there was one kind of government from 1801 to 1812, a period of 11 years; a little different form of government from 1812 to 1820, a period of 8 years; and another slightly different form from 1820 to 1871, a period of 51 years. A municipal form of government with a partially elected assembly possessing grants of legislative authority ruled the District from 1871 to 1874, a period of about 4 years; a temporary commission form of government from 1874 to 1878, a period of 3 years; with the present form of government existing since 1878, or a total period of about 73 years. Thus it was that limited franchise or suffrage was exercised by the people of Washington from 1802 through 1874. General legislative authority, with exceptions, was vested in the assembly which governed the District from 1871 to 1874.

The act of February 21, 1871, in many respects was not dissimilar from the bill now under consideration. Instead of a mayor it had a governor; it had an assembly consisting of two houses, namely, a council and a house of delegates. The mayor and the council were appointed by the President and the 22 members of the house of delegates were elected by the people of the District of Columbia.

The executive power was vested in the governor. This bill vests executive power in a mayor. The governor then, as the mayor now proposed, held office by Presidential appointment, by and with the advice and consent of the Senate.

Rather general legislative authority was conferred in 1871 upon the legislative assembly for the enactment of local laws governing the District of Columbia. I shall not at this time go into all the details of the powers granted to the assembly. They were general in many respects with specified limitations.

Mr. LANGER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. HUNT in the chair). Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LANGER. As I understand the argument of the distinguished Senator from South Carolina, he feels we are going back 80 years, to 1871, when the plan which was worked out at that time failed. Is that correct?

Mr. JOHNSTON of South Carolina. I fear that the pending bill, although it makes a few changes, is almost identical with the previous plan.

Mr. LANGER. As I understand the argument of the distinguished Senator, the plan adopted at that time proved unsuccessful and unsatisfactory, and that was the reason it was changed later.

Mr. JOHNSTON of South Carolina. I shall go into that subject and show in what respects it was unsuccessful. I shall show that the plan caused many headaches for the Congress and for the people of the District of Columbia while it was in effect.

Mr. LANGER. Mr. President, will the Senator from South Carolina yield for one further question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. LANGER. I notice that the proposed city council is to be composed of 15 members. As I read the bill, the terms are not to be staggered.

Mr. JOHNSTON of South Carolina. That is true.

Mr. LANGER. In other words, the 15 members of the council would be elected, and later they would all be thrown out at once if the voters so decided, and a new group would come in.

Mr. JOHNSTON of South Carolina. That is true.

Mr. LANGER. As the Senator from North Dakota views it, that is certainly contrary to the way in which the leading cities of the country are governed today. We try to keep experienced men in office, or at least some of them. We stagger the terms, so that some members of the council may be familiar with what is going on.

Mr. JOHNSTON of South Carolina. That is the reason why one-third of the membership of the Senate is elected every 2 years.

Mr. LANGER. Would the Senator from South Carolina say that in his opinion experience has shown that such a plan as is proposed in the bill has proved very unsatisfactory?

Mr. JOHNSTON of South Carolina. I think it will be found that in most States of the Union the terms of members of the State senate—and in some instances members of the house—are staggered.

Mr. CASE. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield for a question.

Mr. CASE. Let me observe in that connection that in the legislature of my State there is a complete turn-over at every election. There are no staggered terms for members of the senate in the State of South Dakota. I wonder if that situation does not also obtain in the State of North Dakota.

Mr. LANGER. I will say to my friend that in North Dakota a State senator is elected for a term of 4 years, and half the membership of the Senate is elected every 2 years. Members whose terms are represented by odd numbers run in one election, and 2 years later those whose terms are represented by even numbers run in a succeeding election.

Mr. CASE. We do not happen to have that system in my State. If it were desired to stagger the terms of members of the council, perhaps it would be in order to do so by an amendment to the bill.

Mr. LANGER. I suggest that that would be a good amendment.

Mr. CASE. If the Senator from South Carolina will yield further, I should like to address a question directly to him.

Mr. JOHNSTON of South Carolina. I yield.

Mr. CASE. Does the Senator keep in mind that under the plan of 1871 there was a bicameral assembly, one body of which was appointed and the other elected, and also that there was an appointive board or bureau of public works? It was the board of public works which perhaps ran the city government into difficulties at that time. So there is no complete parallel. Under the provisions of the pending bill there would be one body, the members of which would all be elected. There would be no conflict as between an appointive body and an elective body.

Mr. JOHNSTON of South Carolina. The thing which produced so many headaches in the past was the fact that the legislative assembly went beyond what many people thought was the proper exercise of the authority delegated to it under the Constitution. That is what caused so much litigation and trouble.

Mr. CASE. I was hoping that the Senator would make that observation, because it seems to me that it destroys the argument about unconstitutionality.

Mr. JOHNSTON of South Carolina. I am referring to the policy.

Mr. CASE. So far as I have been able to ascertain, there was never any holding that the Congress had exceeded its power in creating the legislative assembly. The contention was that in some instances the legislative assembly exceeded the powers which the Congress had granted to it. That is an entirely different question.

If a State legislature were to pass an act intended to have a bearing on commerce outside the boundaries of the State, the Supreme Court would hold such an act to be unconstitutional.

Mr. JOHNSTON of South Carolina. I answer the Senator's argument in my brief. I have covered every detail along that line.

Mr. CASE. I shall listen with a great deal of interest.

Mr. JOHNSTON of South Carolina. I think the Senator will find that his question is answered in my statement.

Suffice it to say that the Congress very soon withdrew from this experiment of limited suffrage and the grant of limited legislative power to the people of the District of Columbia.

A review of the conditions surrounding the granting of suffrage and its almost immediate withdrawal would involve a much longer imposition upon the time of Senators than I here propose to make. Reputable authority has it that the city became greatly involved in bonded indebtedness and that little, if any, improvement immediately or ultimately resulted to the people of the District.

If Senators will check the situation, I think they will find that the last of such bonds were paid off last year, some 72 years after the burden was first imposed on the people of the District of Columbia. There is no bonded indebtedness in the District of Columbia at the present time. The Congress soon saw the wisdom of continuing with its constitutional function in the passing of laws for the District, which in letter and spirit is in the only manner the Constitution provides.

Through the years the Congress has passed many laws empowering the Commissioners to enact building regulations, electrical regulations, plumbing regulations, health regulations, police regulations, all kinds of municipal regulations deemed necessary for the protection of the lives, health, government, and property within the District, and many other administrative regulations, all of a purely municipal nature and character.

Until only a few years ago the people of the District of Columbia seemed reasonably content with the form of local government here. It is true that beginning in about 1912 and continuing until the last convention, the Democratic Party, and in later years the Republican Party, at their national conventions adopted general planks favoring the right of suffrage or self-government for the District of Columbia. With these measures and these planks I do not find myself in total disagreement. They are general expressions of party conventions, with an appreciation for the aspirations of all of us who wish to live and work in a democracy.

If one troubles himself to examine these party declarations of policy, he will find that neither of them supports the proposals contained in the pending bill. We have heard it said here—loosely and carelessly—and we have seen respectable persons write, that both of our major parties favor home-rule and consequently have endorsed the pending measure in principle.

This is not so. The 1948 platform of the Democratic Party stated:

> We favor the extension of the right of suffrage to the people of the District of Columbia.

The Republican Party in 1948 in one of its platform planks said:

> We favor self-government for the residents of the Nation's Capital.

They cannot mean that our parties favor any sort of a humbug piece of legislation which neither provides for real suffrage in its simplest acceptation nor a sort of self-government that defies the real meaning of that term. No semblance of suffrage is granted by the pending bill and no self-government is provided by this monstrosity. The reins are still held immutable and immovable by the Congress. Why? Simply because of the exacting and unmistakable language of the Constitution. No wishful thinking on the part of any political party can work a change in or distort the intendment of the language we are confronted with in the Constitution. The clamor of the crowd around us here is not going to muddy my thinking on this subject, nor am I to be swerved from the path of plain duty. My oath to uphold and defend the Constitution is too severe upon me for any light-headed decisions. When the language is put to the acid test, no admixture of confused reasoning produces the result which in the slightest degree some wish to attribute to our party platforms.

These general party expressions afford no chart for action on this measure. The basic difficulty we face is the approach to a solution of the problems. I am aware of the movement here for many years urging representation in this body and for the right of suffrage in the election of our national officers. That movement seems to me to be the proper constitutional approach to the entire problem. Only then would the question become that of the policy of the Congress, rather than power and the proper exercise of that power. I make no point here respecting policy or what the policy might or should be. The undeniable fact is, however, that since the first organic act of 1801 to the present day, with the exception of the period of 1871 to 1874 during the so-called territorial form of government, Congress has deemed it unwise to give any grant for general legislative power here in the District.

For many years, groups in the city have urged representation in the Congress, some by legislation and some by constitutional amendment. That is a long story, with much historical background. Much has been said in its favor and much against the proposal, but as I understand, direct voting by the people on local legislation was not the immediate objective. A discussion of specific proposals is unnecessary, since they have no direct relation to the proposals now under consideration.

There shall not be ascribed to the opposition, in what I shall express in these remarks, any ulterior motive. I wish not in these remarks to impugn the motives of others. I have heard the expression that the passage of a measure such as the presently proposed bill, or others offered in previous sessions of this body, would educate the people of the District of Columbia to a degree, and condition them to a responsibility of self-government which would ultimately lead to clothing them with the full rights of citizenship and representation in this body and in the House of Representatives, and would give them the rights of any other elector in the selection of other officers, including the President and Vice President of the United States, namely, the rights and powers enjoyed by every other elector under the Constitution of the United States throughout the several States.

During my several years as a Member of this body and prior thereto I have been privileged to make contact and acquaintance with the people of the District of Columbia, with the many fine citizens residing here, either temporarily or for long periods of time, in the Government of the United States, in the government of the District, and among the professional and business men and residents generally. Therefore let me assert with pride and with a sense of no fear that I can be successfully contradicted, that the people of the District of Columbia need no education in self-government and require no graduated process of conditioning in heart or mind for the responsibilities of citizenship.

To hold otherwise is to slander them. They are on the average just as intelligent and just as capable and just as well-qualified in every respect for citizenship as are those who make up the general constituency of any responsible Member of this body or of the House of Representatives. They are not ignorant, uneducated children groping in a wilderness, incapable by training, education, experience, or devotion to the highest ideals of American citizenship to assume at once all the duties of such citizenship. They pay taxes generously and without complaint, and, in large measure, they serve in our Armed Forces with a zeal and patriotism beyond compare. They serve in the Federal Government and in the local municipal government with the same industry and patriotic fervor as do all other good Americans. In every respect I hold them on a general equality with the citizens of the United States, from whatever State they may come and wherever they may call themselves residents or citizens. Consequently, let it not be said that this measure, if passed, shall constitute an educational stepping stone for a larger measure of self-government when the people here shall have become capable of enjoying it or exercising it.

In this city with all its colleges, its universities, its seats of higher learning, its opportunities for mental advancement and social enhancement, one cannot and should not reflect upon the great body of men and women here as a group who need to learn the alphabet of our Government and the rudiments of home rule. To me it has been one of the inexplicable things in all the evidence of the learned men and women who testified in favor of this and other similar so-called home-rule measures,

that, with the marked intelligence they possess, they could assume that the modicum of suffrage granted by this bill would satisfy the craving of a hungry heart and a discerning mind yearning for real self-government. The bill is a delusion. The bill is a snare. The bill is a mirage in a hopeless desert, if real home rule is what they seek.

I repeat: The present measure is a step backward; it does not afford home rule; it cannot afford even partial suffrage. In another somewhat similar form, with an experience of only 3 years, such a proposed government failed absolutely. The experience and history of that failure ought not now be overlooked. It should be a signal warning that the adventure of this bill carries with it potentialities of danger and uncertainty not only for the Congress but for the many good people of the District.

There are two pertinent provisions of the Constitution of the United States to be considered when we approach this proposed legislation. One of those provisions deals specifically and directly with the power of the Congress affecting the seat of the Government. The other treats with it only incidentally and indirectly, and, therefore, in my judgment, is neither persuasive nor controlling.

Clause 17 of section 8 of article I of the Constitution provides, among other things, as follows:

> To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States.

By virtue of this investiture of constitutional power, the Congress exercises exclusive jurisdiction in all cases whatsoever in the District of Columbia. In this provision there are three significant words defining our legislative power—three little words, if you please, but three important words. They mark the circumference of our power. What are these three little words of such transcendent influence They are: "Exclusive," "cases," and "whatsoever."

What three words are more inclusive in any investiture of power to anyone? These words are all-inclusive. They are all-embracing. To them our legislative power is anchored. They are its base. Depart from them and we travel an uncharted course.

The provision in article IV, section 3, paragraph 2, is limited to the Territorial governments, and reads as follows:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

By the latter provision of the Constitution, the Congress is empowered to provide the rules and regulations respecting our Territorial possessions. Many of the present States were formerly Territories. The governments in the Territories need not be uniform, and they are not. The laws provided for the government of Puerto Rico are different from those provided for the government of Alaska. The power is general and may be delegated by the Congress for the passage of needful rules and regulations respecting a territory. Here I want to digress for a moment from the general theme I hope to develop.

It has been argued and testified to—see hearings, June 28, 1949, page 160—that our power to legislate for the District of Columbia is similar to the power we possess with respect to our Territories. However, that argument is fallacious, and the contentions in support of it are groundless. Why? The powers we possess are derived from different clauses of the Constitution and from different language employed in that instrument. Later on I shall explore this thought and shall develop the reasoning to show the difference.

No such general power in language so specific is contained in the constitutional authority of Congress for the passage of legislation for the District, because that power is "exclusive." Exclusive to whom? Exclusive to the Congress. No State may pass a law affecting the District of Columbia. I daresay the Congress would not invest any State in the Union with power to pass laws affecting the District of Columbia. I hold that the Congress has no power to delegate this constitutional function to a council in the District of Columbia, regardless of the way that council may be chosen. The District of Columbia Committee of the Senate and the District of Columbia Committee of the House of Representatives, or either of them, could not be invested with power by the Congress to sit alone as a local legislature for the District of Columbia. I can more easily reach the conclusion that such a position is justified than I can come to the conclusion that the Congress has the power to divest itself of its constitutional function, however tedious, however—some may say—"burdensome," however trivial the consequences of such a so-called burden may be.

Certainly I can appreciate in certain instances the distinction between an ordinary municipal regulation and an act of general legislation. My experience as a member of the legislature of South Carolina, my experience twice as Governor of that State, and the experience I have gained as a Member of this body qualify me in some small measure to make a little differentiation between a purely municipal regulation and the exercise of the all-important legislative power of general jurisdiction. In each instance, however, the final determination of the question is to be made by the courts in their interpretations of the extent of our power and the rightful exercise of that power.

In paragraph 6 of section 101 of title I of the proposed act, the term "ordinance" is defined to include any legislation adopted by the District of Columbia council coming within the scope of the power of Congress in its capacity as legislature for the District of Columbia, as distinguished from its capacity as the National Legislature. I take it that this means that everything of a local character except the prohibitions therein stated would by the passage of this act be divested from the Congress and invested in the District of Columbia council, for in title III, section 324, the bill provides that—

> The District council shall act as an agent of the Congress in the discharge of the powers granted the Congress by article I, section 8, paragraph 17 of the Constitution of the United States.

The District council thus becomes an agent of the Congress. By this measure we would seek to delegate to the proposed council for the District of Columbia functions which, according to the provisions of the Constitution, should be performed by the Congress.

My substantial contention in regard to the proposed legislation is that we have no power to constitute an agent to exercise a power which the Constitution vests in the Congress alone. We might delegate this power easily if we could add but a few words to clause 17, section 8, article I, of the Constitution. These few words would be "or delegate the same." So the clause would then read:

> To exercise exclusive jurisdiction (or delegate the same) in all cases whatsoever, over such District.

And so forth. These are the words needed to give us the power we are asked to exercise. These are the words which constitute the missing links that are necessary if our chain of action is to be in accordance with our constitutional responsibility. Nowhere does the Constitution give us alone the power to add these words. To add them we would err. To pass a measure in the absence of them we would err. I am liberal in thought, Mr. President, but I am not that liberal. I may be good in mathematics, but I am not given the power to add words to the Constitution of the United States of America; nor is the Congress given that power. I would not add nor subtract words either improperly extending my constitutional duties on the one hand or unduly limiting my constitutional functions on the other. The means to do that is in the hands and power of the people, whose charter we must preserve as it stands until they, and they alone, change their charter. If we wish to be rid of our constitutional function, we must get rid of that responsibility in accordance with the amendatory provisions of the Constitution as provided for in article V thereof. This bill, therefore, is not in pursuance of the Constitution. That pertinent provision is brief, and reads as follows:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by convention in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate:

The passage of a measure of this character in my judgment without an amendment to the Constitution permitting it, is not in conformity with the supreme law of the land as defined in Article VI of the Constitution. The passage of this kind of a measure is in derogation of the provisions of the Constitution; it will result in our complete abandonment of one of the constitutional powers vested in the Congress alone. If the Constitution is the supreme law of the land, as we must hold that it is, and in support of which we are by our oath bound, I cannot come to any conclusion other than that the enactment of such a law is a transgression of the Constitution and an abdication on our part of the responsibility vested by it in us alone, without power of delegation to some other body to exercise for us. In the language of clause 17, section 8, article I of the Constitution, the Congress is not given the power to exercise exclusive legislation in all cases whatsoever over such District by legislating power to any agent or other instrumentality of Government.

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. HENDRICKSON. Do I correctly understand from the Senator's remarks that if we were to endeavor to attain home rule for the District of Columbia through a constitutional amendment, the distinguished Senator from South Carolina would support such an amendment?

Mr. JOHNSTON of South Carolina. I have not reached that conclusion at all at this time. I am only pointing out the fact that that is the proper way to proceed.

Mr. HENDRICKSON. I thank the Senator.

Mr. JOHNSTON of South Carolina. The powers thus vested in us are not coextensive with those contained in paragraph 2 of section 3 of article IV, for there the Congress has primary power to "dispose of and make all needful rules and regulations respecting the territory belonging to the United States." The Congress thus has the power to pass a law, should it exercise that power, to give away one of our Territories. The power to make needful rules and regulations is broad, for it comprehends the absorption of a territory in which a self-government may have already been established. Such has been the case with the Philippines and Hawaii.

Let me explore here the two respective powers—one for the District, the other for the Territories. To repeat: the powers are from different sections of the Constitution and are expressed in different language and with a different use of words.

One of the sponsors of the proposed measure, the Senator from Tennessee [Mr. KEFAUVER], testified in respect to these powers before the House committee—June 28, 1949, page 160, and the following—on Senate bill 1527. He holds in substance that the powers are the same. I respect his views. I disagree with them completely and in every detail. He cited in support of his contention that the Supreme Court in the case of *Binns* v. *United States* (194 U. S. 486) so ruled. The Supreme Court ruled nothing of the sort. That was not in issue nor was the comparative question before the Supreme Court in the Binns case. The Court there dealt solely with one question, and one question alone was in issue for determination by the Supreme Court. That sole question was: Did Congress have the power to invest the District Court of Alaska with authority to exact a license tax from persons doing business in Alaska?

No question of the power of Congress to delegate legislative authority to the local Government of the Territory of Alaska was involved. No question was raised in the Binns case requiring any expression from the Supreme Court of the United States relative to the powers of Congress in legislating for the District of Columbia as distinguished from its powers in legislating for the Territories. Whatever Justice Brewer said in his casual comment comparing the powers of Congress here involved is interesting but not controlling. To me it is not even persuasive. If given time I can prove he was wrong. To all lawyers, it was at most purely obiter dictum. What he said is as follows:

> It must be remembered that Congress, in the government of the Territories as well as of the District of Columbia, has plenary power, save as controlled by the provisions of the Constitution, that the form of government it shall establish is not prescribed and may not necessarily be the same in all the Territories. We are accustomed to that generally adopted for the Territories, or a quasi State government, with executive, legislative, and judicial officers, and a legislature endowed with the power of local taxation and local expenditures, but Congress is not limited to this form. In the District of Columbia it has adopted a different mode of government and in Alaska still another. It may legislate directly in respect to the local affairs of a Territory or transfer the power of such legislation to a legislature elected by the citizen of the Territory. It has provided in the District of Columbia for a board of three Commissioners, who are the controlling officers of the District. It may entrust to them a large volume of legislative power, or it may by direct legislation create the whole body of statutory law applicable thereto. For Alaska, Congress has established a Government of a different form. It has provided no legislative body but only executive and judicial officers. It has enacted a penal and civil code. Having created no legislative body and provided for no local legislation in respect to the matter of revenue, it has established a revenue system of its own, applicable alone to that Territory.

More directly and no dictum, as it may be argued, was the direct expression of Chief Justice Fuller of the Supreme Court of the United States in a case arising here in the District under the very attempted grant of legislative power under the act of 1871 wherein a type of territorial government was sought to be established. The legislative assembly in the District under the act of 1871 imposed a license tax upon persons engaged in business within the District. One Hennick, representing a Baltimore concern, refused to obtain a license and was convicted in the police court of the District of Columbia. He appealed to the Supreme Court of the United States. The Supreme Court, in setting aside his conviction, ruled that the act was legislative and beyond the power of the assembly of the District to pass. I shall later treat of this case in greater detail.

That the governments of the Territories are different among themselves and from the District of Columbia is evident. The one officer in our Government whose chief concern is his function as Chief Counsel, Division of Territories and Island Possessions, Department of the Interior, outlines the differences for us. He testified before the Auchincloss subcommittee—record, pages 494, 495, 496. His memorandum in that record is as follows:

STATEMENT OF IRWIN W. SILVERMAN, CHIEF COUNSEL, DIVISION OF TERRITORIES AND ISLAND POSSESSIONS, DEPARTMENT OF THE INTERIOR

1. The governments in the United States Territories of Alaska, Hawaii, Puerto Rico, and the Virgin Islands are very similar to those of the States, both as to composition and powers. Each has a governor, as chief executive; a popularly elected legislature; and a judiciary. At the present time, the governors are all Presidential appointees, subject to confirmation by the United States Senate. The House has, however, passed a bill making the Governor of Puerto Rico a popularly elected official, and it is expected that the Senate will shortly follow suit, the Senate Public Lands Committee having already reported favorably on the measure. The Governors of Alaska and Hawaii serve for 4 years; the Governors of Puerto Rico and the Virgin Islands serve at the President's pleasure. All the governors are responsible for executing the laws of the Territories they govern, as well as the laws of the United States applicable within the Territory. They report to the President through the Secretary of the Interior.

Hawaii, Alaska, and Puerto Rico have bicameral legislatures; in the Virgin Islands, there is a municipal council for each of the two municipalities into which the islands have been divided, and a legislative assembly which is composed of the councils meeting in joint session. Members of all these legislative bodies are popularly elected by universal suffrage. The powers of the legislature are defined in the organic act of each Territory, an act of Congress which serves the same purpose as a State constitution. Each organic act declares that the legislative power of the Territory shall extend to all subjects of legislative character not locally inapplicable, or words to that effect, and as a result, the Territorial legislatures have enacted laws in all fields. Their powers are circumscribed to a limited extent by specific provisions of the organic acts, as for example, a limitation upon total indebtedness of the Territory, generally in terms of a percentage of the assessed valuation of the property within the Territory; this is a common provisions in State constitutions. The constitution has been made expressly applicable to Alaska and Hawaii, so that the restrictions on legislative action contained in the Bill of Rights apply to the Territorial legislatures; the organic acts of Puerto Rico and the Virgin Islands contain a bill of rights modeled closely upon the constitutional one. Therefore the Territorial legislatures may not enact laws depriving persons of life, liberty, or property without due process of law, impairing the obligations of contracts, prohibiting the free exercise of religion, and so forth.

Acts of the Territorial legislatures are subject to veto by the governor, and may be repassed over his veto. In the case of Alaska and Hawaii a bill so repassed becomes law;

in Puerto Rico and the Virgin Islands the Governor, if he still refuses to sign a repassed bill, is required to send it to the President, who may approve or disapprove the bill. If he approves it expressly or does not sign it within 90 days after its presentation to him it becomes law. Congress has the power to annul any law enacted by a Territorial legislature; it has never exercised that power.

The third branch of government is the judiciary. Puerto Rico and Hawaii have a system of courts much like those in the States. However, from the highest Territorial court there is an appeal to the United States Circuit Court of Appeals, and the judgment of that court is reviewable by the United States Supreme Court.

There is also a United States district court for each of these Territories, with jurisdiction similar to that of Federal district courts located within the continental United States.

Alaska has a local system of United States commissioner courts, hearing petty offenses and probate cases, and in that Territory the United States district court serves both as a Territorial court and as a Federal court. Suits under laws enacted by the Territorial legislature may be brought in that court, and so many suits arising under Federal laws. In either case, appeal is to the United States Circuit Court of Appeals. The situation is the same in the Virgin Islands; there are police courts established locally, but the United States district court sits to try cases under ordinances of the municipal councils or acts of the legislative assembly and cases arising under Federal laws.

It may be of interest to add that the Congress is now considering an organic act for Guam, which has been under naval administration for about 50 years. The organic act would provide for civil administration and would be similar to the organic acts of the other Territories.

Alaska and Hawaii each send a popularly elected Delegate to Congress, accredited to the House of Representatives; Puerto Rico sends a Resident Commissioner. These Territorial representatives may speak on the floor of the House, may introduce bills, and serve on committees, but they have no vote. The Virgin Islands are not represented at the moment, but a bill to authorize election of a Resident Commissioner is before Congress now.

2. In my opinion, the present grants of authority to the Territories do serve to recognize local interests in self-government and yet protect Federal interests in the Territory, but there is room for additional grants of authority without jeopardizing the Federal interest. In fact, it is to the interest of the United States to have the Territories both politically and economically self-sufficient. To the extent, for example, that the local legislatures are given power to raise revenue, to offer inducements to new industries, and to enact laws appropriate to the particular circumstances of the Territory in question, the financial asistance and special services provided by the Federal Government may be correspondingly diminished or made unnecessary. For that reason, the Interior Department consistently calls the attention of the Congress to ways in which local powers of self-government may be increased with advantage both to the Territory and the United States. As indicated above, Congress is considering an elective governor bill for Puerto Rico; it also has before it a bill authorizing the people of the Virgin Islands to elect a resident commissioner to serve as their representative in the Congress. Bills enabling Alaska and Hawaii to become States have been introduced; the Hawaii statehood bill has already passed the House. All these measures have the Interior Department's support and some were prepared by the Department.

3. The Department of the Interior is charged with supervision of affairs in the Territories. It assists the Territorial areas to make economic and political progress, and acts as their spokesmen before other Federal agencies concerned with matters of interest to the Territories. Its relationship to the Territories may best be shown by examples it reports to Congress on pending legislation affecting the Territories, pointing out the beneficial or adverse effect upon the Territorial interest, or suggesting that the bill in question, giving benefits to the States alone, be amended to apply to the Territories, if that is desirable. It demonstrates to the Maritime Commission what the effect upon the economy of Alaska and Puerto Rico would be if already high freight rates were increased at the request of shipping interests. It assists and encourages private business to establish itself in the Territorial areas, pointing out the advantages of an abundant labor supply and indigenous materials. It works with agencies set up by the Territorial governments to develop new local products and enterprises. On the political side, it seeks to obtain for the Territorial areas the fullest possible measure of self-government and responsibility which the people of any given area want and are able to handle. I have already referred to the statehood bills for Hawaii and Alaska, the elective governor bill for Puerto Rico, and the resident commissioner bill for the Virgin Islands.

In view of all the variations and separate offices, officers, and functions mentioned in this memorandum, it is beyond the realm of my comprehension that the powers in the two separate clauses of the Constitution are identical in purpose or extent. They are not. The powers are different. The functions of the Congress as they relate to one are not the same as with respect to the other. To argue otherwise is to confuse the issue and confound our constitutional functions. With California's consent we might add Hawaii to California, or Alaska to the State of Washington. Could Congress legislate to add the District of Columbia to the State of Maryland and thereby nullify our function of legislating exclusively for the District? The obvious answer is "No."

Reverting for a moment to a historical viewpoint, let us look at the act of the Legislature of Virginia and the act of the General Assembly of Maryland wherein the land, which now constitutes what is known as the District of Columbia, was ceded to the Federal Government.

The act of the Legislature or Assembly of Virginia which was passed December 3, 1789, among other things provides in section 2:

II. Be it therefore enacted by the general assembly, that a tract of country not exceeding 10 miles square, or any lesser quantity, to be located within the limits of the State, and in any part thereof, as Congress may by law direct, shall be, and the same is hereby forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States.

Identical in language is the Act of Cession passed by the General Assembly of Maryland on December 19, 1791.

Predominant in this language is the recognition on the part of these legislatures of the exclusiveness of the depositary in Congress of legislative power for the areas ceded to the Federal Government. They provided:

The same (reference to the area in land) is hereby forever ceded and relinquished to the Congress and the Government of the United States in full and absolute right and exclusive jurisdiction, as well of the soil as of the persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States.

Turning again to the original organic act of the Congress known as the act of 1801, approved February 27, 1801—Second Statute, title 103, chapter 15—we find that act created principally the first judicial system for the District of Columbia. The laws then in force in the area ceded by Virginia and Maryland continued in force in those areas in the new District. The common law then existing in those areas was continued. The office of marshal was established. Appeals to the Supreme Court of the United States were provided. Writs and judicial process were recognized. In many respects, a strictly county government with few, if any, administrative officers, was established.

The act of May 3, 1802—2 Statutes at Large 195, chapter 53—incorporated the city of Washington as a body corporate in the District of Columbia and established for it a mayor and a city council. The act gave the corporate city the powers usually possessed by municipal corporations. A city council of 12 members and the office of mayor were created; the council, consisting of 12 resident members whose terms of office were for 1 year, was elected by the residents of the city; and the mayor, also a resident of the District, held office by annual appointment by the President. Such usual powers as are possessed by all municipal corporations for the passage of bylaws and ordinances were contained in the charter. In 1802, the 12-member council was chosen by the electors of the District.

On May 4, 1812—2 Statutes at Large 721, chapter 75—the original charter of Washington was amended. The former council was abolished. A board of aldermen and a board of common council replaced it. The board of aldermen consisted of 8 members who came from separate areas in the city and were elected for 2 years. The common council consisted of 12 members who were likewise elected, but for a period of 1 year. The members of this board were elected by the qualified voters in the District. The mayor of Washington was elected by a majority vote of these two bodies sitting in joint session.

There was, by the provisions of this amendatory act, an enlarged extension of municipal powers of the corporation forming the government of the city of Washington, quite similar in power to the provisions of the measure now under consideration. The mayor became chief executive of the District.

Another Reorganization Act was passed by the Congress of May 5, 1820—3 Statutes at Large 583, chapter 104. In this act, the election of a mayor by the qualified voters was provided for, as was

done in the case of the members of the common council and the board of aldermen. There were 12 aldermen elected for 2 years and 18 members of the common council elected for 1 year. The mayor was elected for a 2-year term. A reading of this act shows that Congress invested the mayor, the aldermen and members of the common council with considerable power as officers of the municipal corporation.

These elected officers continued to administer the affairs of the District until the passage of the act of May 17, 1848—9 Statutes at Large 223, chapter 42. The latter act, known as the Act of Reorganization of the Government of the City of Washington added to the number of additional municipal powers in language significantly similar to that in the bill now under consideration. In section 2 of the act of 1848, we find language similar to that appearing in section 324 of the bill now proposed. That language from the act of 1848 reads:

> And the said corporation shall have full power and authority to make all necessary laws for the protection of public and private property, the preservation of order, the safety of persons, and the observance of decency in the streets, avenues, alleys, public places.

The act of 1848 authorized other elected officials, such as the board of assessors, a registrar of wills, a surveyor, and a collector of taxes. These officers were to be elected to various terms by the qualified voters in the District. It is interesting to note that in some respects the qualifications to vote as established by the act of 1848—section 5—were set forth just as they are set forth in title IX, sections 906 and 907 of the present measure.

In 1867, the Congress enlarged the base of the electorate. It increased the eligible voting number to include colored males.

The latter general form of government continued from 1848 until the act of 1871—16 Statues at Large 419, chapter 62. This latter act created a government for the entire District of Columbia, somewhat along the lines of our territorial forms of government. The office of mayor was abolished; in its stead the office of governor was created for a term of 4 years, the office being filled by Presidential appointment by and with the advice and consent of the Senate. A legislative assembly, in some respects like the council provided for in this act, was established. The assembly consisted of a council of 11 members and the house of delegates of 22 members. The President appointed the members of the council with the advice and consent of the Senate, but the members of the house of delegates were elected by the people.

A section-by-section analysis of the act of 1871 shows that many of its provisions are contained in the present Senate bill 1976. To illustrate:

Section 2 of the act of 1871 creating the office of governor was in language almost identical with that of section 401 of the present proposed bill. The mayor in this bill, like the governor in the former one, becomes the chief executive of the District of Columbia.

Miscellaneous functions were not dissimilar; though the language employed is in different terms and phraseology, their content and purpose are similar. It may be noted that the governor had a pardoning power in the act of 1871, not now conferred upon the mayor. Consequently, in the matter of over-all government, whatever precious little amount of suffrage the present bill proposes, there seems to be little in it that is new or original. The present measure is a rehash of many of the things which the Congress after 3 years experience discarded. I am told that that experience was a devastating one. The point here made is that the present measure isn't looking forward, but rather, backward. In other words, Congress once made the mistake of giving a measure of suffrage with power to legislate here and in so doing our predecessors, realizing the mistake they had made, suffered under the disillusionment for a period of only 3 years; then the Congress recaptured the unauthorized grant of legislative power. The proponents want the Congress to make the same mistake twice. Must we?

Under the act of 1871, the Legislative Assembly, consisting of two bodies, one appointive and the other elective, exercised some of the same powers as those now proposed for the district council of one body. Section 2 of the act of 1871 specified some of the general powers of regulation and is not wholly dissimilar in content from the provisions of section 324 of the pending bill.

Our predecessors may not have been as alert and as adept as we would wish to be, if this measure in its present form is enacted, because nowhere in the act of 1871 do I find an indication that the Congress then had attained such a high state of intellectuality or mental perfection, or had developed so much wisdom that it deigned to delegate legislative power to an agent in the performance of its constitutional duty. No language in the act of 1848 or in the act of 1871 is comparable to that contained in section 324 of the pending bill, which provides:

> The District Council, acting as the agent of the Congress in the discharge of the powers granted the Congress by article VIII, section 8, paragraph 17, of the Constitution—

And so forth. There is a Latin maxim qui facet per alium, facet per se, which I understand literally to mean. "He who makes or acts through another, makes or acts for himself." I have never understood this maxim to have any application to the division of sovereign powers of government or the performance of the duties of our three separate branches of government. In my studies of the various forms of government—National, State, and local—I can find little cause for the application of that maxim. It is elementary that we as a legislative body cannot delegate our functions. We cannot delegate our functions to the Chief Executive, who under our system of government, executes and administers; he cannot legislate for us. The judiciary interprets and by that interpretation assists the executive and the legislative branches of the Government in the rightful performance of the spheres of power conferred on them by the sovereign. How preposterous would be the proposition that the Supreme Court could delegate its powers to the clerks of the respective justices. An act of a Justice or of the Court is an act of him alone or of the Court alone. Why? Because the Supreme Court is the only court created by the Constitution. In it is vested the supreme judicial power. It would be an insult to any Justice, and to the very principle involved, if one were seriously to advocate that he or the Court could delegate his or its constitutional function entrusted to them exclusively by precise language of the Constitution.

Mr. CASE. Mr. President, will the Senator from South Carolina yield for a question?

The PRESIDING OFFICER (Mr. SMITH of North Carolina in the chair). Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. JOHNSTON of South Carolina. I yield for a question.

Mr. CASE. Would the distinguished Senator care to state his understanding of the power or the theory under which Congress passed the Reorganization Act which provides for the presentation to Congress by the President of reorganization plans?

Mr. JOHNSTON of South Carolina. Speaking from a policy standpoint, I have doubted whether that is right. I also question whether the founding fathers meant to have Congress legislate in that manner.

Mr. CASE. Certainly, the Senator from South Carolina may have his ideas about the policy in that connection, but does he believe it is unconstitutional?

Mr. JOHNSTON of South Carolina. The Senator will find that Congress by legislation created the District courts and also all the administrative offices. Congress has that power. However, we do not find anywhere in the Constitution a provision that Congress shall have exclusive jurisdiction in the administration of any of the laws which Congress passes.

Mr. CASE. Would the Senator from South Carolina feel that under authority of the Reorganization Act the President might reorganize the government of the District of Columbia or might repeal laws relating to the District of Columbia which have been passed by Congress?

Mr. JOHNSTON of South Carolina. In my opinion, speaking from my knowledge of the law, I raise a question as to whether the President could do that. I do not believe he could properly do that, because the Constitution provides that Congress shall have exclusive jurisdiction in regard to the passage of laws affecting the District of Columbia.

Mr. CASE. Today the President sent to the Congress a message in which he proposes to reorganize the Bureau of Internal Revenue, doing it under the Reorganization Act, as I gathered from the

message. Does the Senator from South Carolina feel that the President cannot rightfully do that under the Reorganization Act?

Mr. JOHNSTON of South Carolina. As I stated a few moments ago, I consider it to be bad from a policy standpoint, although I think that probably the President has the right to do it. However, I do not think he ought to go into that field, constitutionally.

Mr. CASE. Let me say to the distinguished Senator from South Carolina that my thought in using the word "agent" in the section of the bill to which the Senator from South Carolina has alluded was relative to the debate which occurred in the House of Representatives at the time when the reorganization acts were originally under consideration. My memory of the debate which occurred at that time—and I stand ready to be corrected in case my memory proves to be inaccurate—is that some of the very able Members of the House of Representatives at that time, one of whom is now the Chief Justice of the Supreme Court of the United States, pointed out that the President was merely the agent of the Congress in that connection and that whatever reorganization plans the President might submit to Congress would not be Executive orders, in that sense, but that either the President or some other person might be designated by Congress as an agent of Congress to make certain findings, and, on the basis of those findings, to set forth a reorganization plan which would, in effect, amend existing law.

I recognize that in the Reorganization Act the Congress suggested that the President make a finding that efficiency or economy would be served thereby, but the President was to be the sole judge as to whether that would be true.

So the pending bill provides:

POWERS OF AND LIMITATIONS UPON DISTRICT COUNCIL

SEC. 324. (a) The District Council, acting as the agent of the Congress in the discharge of the powers granted the Congress by article VIII, section 8, paragraph 17, of the Constitution of the United States, and upon findings by the council, of which it shall be the sole judge, that such acts are necessary to the promotion of peace, welfare, justice, or safety in the District of Columbia—

May do so-and-so and so-and-so.

In other words, the Council would become the designee of the Congress, to be its agent to make certain findings on which the acts which it would pass would be based, in the same way that the President—and bear in mind that he does so simply as an agent of the Congress, and not in the sense of being the Chief Executive—makes findings in respect to efficiency and economy which would be served by certain reorganizations, and thus under the authority of that act he submits to Congress certain reorganization plans.

As I recall, that was the argument which was advanced by some of the very distinguished jurists of today, who were Members of the House of Representatives at the time when the Reorganization Act was passed.

Of course, the question of policy is something else again. The Senator from South Carolina may feel that as a matter of policy, Congress should not in any sense entrust any of its powers to an agent.

Mr. JOHNSTON of South Carolina. Mr. President, I should like to call to the attention of the Senator from South Dakota this difference: In the case of the reorganization acts we are dealing with departments established by legislative act. On the other hand, the District of Columbia was set up by the Constitution, and the Constitution states how it shall be governed and controlled. That constitutes a distinct differentiation, I think, when a question comes before the courts for decision as to how far we can go in any particular instance.

Mr. CASE. The Senator from South Dakota could hardly accept the statement that the District of Columbia was set up by the States, for it is expressly said that the exclusive jurisdiction over the territory shall be by a cession of the States and by acceptance of the Congress. In the absence of acceptance by the Congress, the exclusive jurisdiction would not exist.

Mr. JOHNSTON of South Carolina. It names the District and says how large it shall be.

Mr. CASE. It prescribes its limitations.

Mr. JOHNSTON of South Carolina. It also says how the Congress shall accept it, and what its status shall be; but one finds nothing in the Constitution in regard to the departments which it is proposed to reorganize at the present time.

Mr. CASE. But the District of Columbia would not exist as a separate jurisdiction, were it not for acceptance by the Congress of the cession by the States.

Mr. JOHNSTON of South Carolina. That is true. They were acting for the Government of the United States when they did it, too; and they had certain restrictions thrown around them by the Constitution in so doing.

Mr. CASE. The Congress has changed the District of Columbia by agreeing to cede back to Virginia the portion of the District which was on the other side of the river.

Mr. JOHNSTON of South Carolina. That is true. It was found that the Federal Government was not using it. It was ceded back to Virginia because the Federal Government desired only that portion located on this side of the river, where there were Government buildings. About the only thing we had across the river was the Army.

So I hold, Mr. President, that we cannot legislatively appoint an agent to act for us in a matter exclusively entrusted to us. We cannot abdicate our responsibility. We can neglect it, but we cannot abandon it; we cannot act in violation of it. If we do, we act in derogation of our powers, not in pursuance of them. The point I wish to stress is that we cannot delegate a legislative power even if we should wish to do so; and, on the other hand, I maintain we should not wish to do so.

The constitutional provision here involved permits of no evasion or exception. Nor does it give rise to any reasonable interpretation that we can or should circumvent the power conferred exclusively upon Congress in all cases—yea, in all cases whatsoever. The lawyers of this body may not blandly seek to constitute an agent to do for them what the Constitution imposes upon them. In part, this was attempted to be done by the act of 1871. Different language is now employed; separate offices are created; the terms of office are modified; the compensation here is enlarged; but on the whole, the principle of the ability of the Congress to delegate its legislative powers then was substantially the same as it is now.

It might become an undue burden and might subject one to a charge of filibustering or give reason to suspect one's motives should there be a complete recitation and detailed explanation of the similarity of each of the provisions of the bill presently under consideration and a comparison of them with the provisions of the act of 1871, in which partial suffrage and legislative authority were granted to the residents of the District of Columbia.

Forms of elective government not dissimilar from the present proposal have been tried and found wanting. It took a preceding Congress only 3 years to discover it had legislated a mistake, and it speedily made amends. The act of 1871 creating the legislative assembly was found to be impracticable. It proved unworkable; it satisfied no one, neither the people here, nor the constitutional repository of all legislative power for the District, the Congress.

The question now presented is, shall we under the guise of different words with the same ultimate effect commit the same error as did our predecessors in another Congress? I, for one, shall say "No." Either let well enough alone, or, if we do better, let us do better in the right way. There is only one right way; there is only one proper way to give true home rule to the District. That right way is by an amendment to the Constitution.

The distinguished junior Senator from Tennessee knows this as well as I do, and as well as any other lawyer in this body knows it. All may not admit it with the frankness that is characteristic of the Senator, but he so admits it. Look with me at the testimony he gave before the House committee on Tuesday, June 28, 1949, pages 162 and 163. The colloquy is interesting:

Mr. HARRIS. I might say to my good friend I do not question the authority to provide a legislative council for the District of Columbia for those matters that are purely municipal. I do not question the administrative authority of any appointee of the President of the United States, or a mayor or any other administrative official, regardless of how he may be chosen, but I do distinguish as to the difference between exclusive legislation in the Congress of the United States, as far as legislation is concerned, and their authority to provide rules and regulations which might be delegated to someone else in an administrative position.

Senator KEFAUVER. Well, OREN, if the word "exclusive" means anything, then how do you say you can delegate certain lower types of things to a Board of Commissioners; because, whatever it may be, it is still legislation? So, if you say Congress has exclusive legislative authority, then it cannot delegate any.

Mr. HARRIS. I am inclined to agree to that, except for administrative functions.

Senator KEFAUVER. If it has exclusive legislation, then, of course, the ordinances passed by the City Commissioners—they would violate the word "exclusive" because the word "exclusive" is all-inclusive.

That statement, it will be observed, is the statement of the Senator from Tennessee [Mr. KEFAUVER], the author of the bill.

Mr. CASE. Mr. President, will the Senator yield at that point?

Mr. JOHNSTON of South Carolina. Certainly I yield.

Mr. CASE. Has the Senator given consideration to the point of view that the word "exclusive" as quoted was used in the sense of meaning that jurisdiction for the created District of Columbia was exclusive to the Federal Government, as opposed to possible legislation by the respective governments of the States from whose territory the District was created?

Mr. JOHNSTON of South Carolina. So far as I know, no such question was raised in the Constitutional Convention. The Senator will realize that the Constitution of the United States was written for the purpose of conferring exclusive jurisdiction. It meant that the jurisdiction was being given to the Congress and to no one else, whether it be the States or whether it be the District.

Mr. CASE. In the same way that Congress was given exclusive legislative power with respect to Federal activities. Is that not correct?

No State today can legislate for another State. My understanding of the language is that no State could legislate for the District of Columbia even though it contributed territory to the creation of the District of Columbia.

May I bring to the Senator's attention in that connection the case of Roach against Van Riswick, decided in 1879, in which the Court said:

It may be admitted that the term "exclusive" has reference to the States, and simply imports their exclusion from legislative control of the District, and does not necessarily exclude the idea of legislation by some authority subordinate to that of Congress and created by it.

Mr. JOHNSTON of South Carolina. What case is that?

Mr. CASE. Roach against Van Riswick.

Mr. JOHNSTON of South Carolina. That is only a District of Columbia proceeding; it is not the Supreme Court of the United States speaking.

Mr. CASE. It was the Supreme Court of the District of Columbia.

Mr. JOHNSTON of South Carolina. But the Supreme Court of the United States was not speaking. It has the last word to say on the subject.

I continue reading from the testimony, Mr. President:

Mr. HARRIS. If it was merely an ordinance and not considered legislation that has been passed on a number of times.

Senator KEFAUVER. Well, of course, all city legislation is called ordinances.

Mr. ABERNETHY. Mr. KEFAUVER, I would like to ask you this question.

Senator KEFAUVER. All right.

Mr. ABERNETHY. Is there any such thing, with the Constitution as it is, as true home rule in the District of Columbia?

Senator KEFAUVER. There is not, that is right. That is, there is no such thing as true home rule in this District. You can give a greater measure of home rule than is given in many of these bills presented. You can give the same kind of home rule that is given to the Territories—

I disagree with him there—

but that is not true home rule because Congress still has the right to accept, reject, or do anything it wants with it.

Mr. ABERNETHY. Then the term "home rule," in my opinion, has been misused more than any other two words around the District of Columbia in the last few years. There is no such thing.

Senator KEFAUVER. That is right there is no true home rule in the District. I think the term means such home rule as can be given under the Constitution.

Mr. ABERNETHY. So the type of home rule to be given the people of the District of Columbia is something limited, as there is actually no such thing.

Senator KEFAUVER. The type of home rule which would be extended to them under the bills pending before the committee would be by proxy. In other words, the council would constitute a proxy that would use the legislative functions.

It is limited home rule.

Mr. ABERNETHY. That is right. The type of home rule which will be extended to them under the bill pending before this committee would be very limited.

Senator KEFAUVER. That is very true.

Mr. ABERNETHY. Not being critical but very sincere, is it your opinion that the people of Tennessee or the people of my State sent us here for the purpose of legislating by proxy for the District of Columbia or for any other segment of our population?

Senator KEFAUVER. Well, Mr. Abernethy, I think the people sent us here primarily to represent our Government and our district. I think they would be very delighted to see us get relieved of the detailed burden of running the District of Columbia; and, let me say further, we have been giving a proxy to some extent all these years anyway. Congress, ever since I can remember, if you want to call it that, has given a proxy. I would say it has delegated ever since I know, right down to the present time, some of the things that have to do with the District of Columbia.

Mr. ABERNETHY. Well, I cannot agree with the gentleman that we would be relieved of any of the burdens, if they might be called burdens. I do not so regard our duties. I do not know of a man who has resigned from this committee because of such in several years. The facts are that this proxy council that these bills set up, would consider certain legislation and then send them up to this committee, and this committee would still be charged with the responsibility of considering every word and every particle of function in each bill, if it carried out its duty; would it not?

Senator KEFAUVER. Here is the way I think it would work.

Mr. ABERNETHY. Would it?

Senator KEFAUVER. No; I don't think it would give it the same consideration that it gives now.

Mr. ABERNETHY. But we would be shirking our duty if we did not do that.

Let us turn to page 165; we read further:

Mr. ABERNETHY. But if we believed in real home rule for the people of the District of Columbia, we would have to amend the Constitution.

Senator KEFAUVER. It is impossible to give them true home rule without amending the Constiution.

Mr. ABERNETHY. But that is the only way genuine home rule could be delegated to the District of Columbia.

Senator KEFAUVER. That is the only means for full home rule.

Mr. ABERNETHY. That is the issue.

What is so urgent as to require us to sidetrack the clear provisions of the Constitution of the United States of America which has vested in us, the Congress, exclusive legislative power in all cases whatsoever for the District of Columbia? This question is especially pertinent since we cannot, under the Constitution, do any more than transfer to an agent the power to pass simple ordinances. The bill authorizes an initial appropriation of half a million dollars as a start toward setting up the machinery to invest the people of the District of Columbia with power only to pass simple municipal regulations or simple city ordinances. This is a futile, but expensive, attempt to fool, beguile, and delude the people of the District into feeling that they are getting something different from what in fact we are able to give them. The Senator from Tennessee knows what they will get. I for one will not offer them candy and in reality give them an expensive and bitter dose of medicine.

Why should we be in so great a hurry that we attempt to plow around the obstacle presented to us in our Constitution? What catastrophe impends? What has happened in the past 4 or 5 years that has not existed right along since 1800 when the seat of the Government was first established here?

Legislation for the District of Columbia is tedious. So is the passing of most legislation. As the years pass, the problems mount, the tasks become more complex; nonetheless, our duty is clear, as I see it. Our responsibility is obvious. If we desire to be relieved of the duties imposed upon us by the Constitution, let it be done in the manner provided in the Constitution. Let us amend by appropriate language the provisions of article I, section 8, clause 17, so as to permit us to create an agency to legislate for us with respect to the District of Columbia. So long as the power is vested exclusively in us, we must exercise the power ourselves and not through a delegated agent or other instrumentality of government.

This being the case—and it is so admitted by our distinguished colleague, who has exercised himself tremendously since becoming a Member of this body—are we not then giving the people of the District only a "sop," and not even a spoonful of the gravy of real, true suffrage? To classify this bill as a "home rule" bill is to stultify our understanding of the term. Who would prostitute the meaning of home rule before an elector of his State and attempt to satisfy him that he was obtaining suffrage by offering him the microscopic particle of suffrage in the manner and under the limitations and restrictions provided for in this measure? Who would do this in the face of the decisions of the courts? I

have discussed this question, and will further discuss it.

The constitutional provision giving Congress exclusive legislative power in all cases in the District of Columbia is not a separable power it is not divisible into two parts; it is not contained in sections; it is not subject to being shared; it is not divided into functions relating to Congress as a national legislature in contradistinction to the power of Congress as the legislature of the District of Columbia. This bill assumes to divide our functions in the absence of any constitutional authority for such division. In defining an "ordinance" in paragraph 6 of section 101 of title I, the bill provides:

The term "ordinance" includes any legislation adopted by the District council coming within the scope of the Congress in its capacity as legislature for the District of Columbia as distinguished from its capacity as national legislature.

On page 12 of the bill we find that we have reserved our constitutional grant of authority, for the bill provides:

The Congress of the United States reserves the right at any time to exercise its constitutional authority as the legislature for the District of Columbia—

And so forth. I wonder whose mind is so simple as to be so easily appeased by this provision. The Congress alone cannot add to or detract from the ultimate powers vested in it by the people, the sovereign, who adopted the supreme law of the land. A statement of this general principle is simple, and seems too elementary to require extensive elaboration. Why soften our minds with the superfluity of the sloppy, self-reserving language used in the bill? It should add to our contempt for any and all design for the evasion of our own responsibility. If the power is vested in us in the first instance, with no power in us to divest ourselves of the grant, for what purpose need there be a reservation? We have sworn and obligated ourselves to uphold and defend the Constitution. The Constitution provides its own way of permitting an amendment should the Congress wish to rid itself of its congressional responsibility of legislating for the seat of our Government.

There are four principal local metropolitan newspapers of wide circulation in the District of Columbia. All of them are responsible. At times they are all well edited; each may rightfully claim and each deserves great credit for sharing a large part of public responsibility in public matters and for the dissemination of news and views in the crytallization of local public opinion. In large measure they depend for their success and continuation upon their ability to sense the local pulse and to express the majority view, well-founded, of the people locally. To maintain otherwise is to deny them the share of responsibility rightfully theirs as molders of public opinion and as mirrors of the views of the public they serve.

How do these newspapers stand editorially on the bill now under consideration? One of them, with a measure of reservation and reluctance, is supporting the bill. On July 18, 1951, the Washington Post said editorially:

HOME-RULE COMPROMISE

The substitute home-rule bill worked out by Gerhard T. van Arkel and Robert C. Albrook in consultation with Senators NEELY and CASE of the District Committee is by all odds the best substitute that has been offered for the stymied Kefauver-Taft bill. In some respects it is an improvement over the Kefauver-Taft bill. We had always thought, for example, that it was a mistake for this last-named bill to make reference to the meager powers the District Commissioners now exercise in outlining the authority to be delegated to a new elected District government. The new plan cuts away from that inadequate base. It would give to the proposed local government all the legislative power "coming within the scope of the power of the Congress in its capacity as legislature for the District of Columbia." In short, Congress would be asked to give to the District as large a measure of home rule as it has given to the Territories.

One other substantial gain would be the elimination of the so-called congressional veto in the Kefauver-Taft bill. That measure drew a distinction between local ordinances and legislation for the District. Legislative acts of the proposed District council would have to be reported to Congress and could not go into effect until Congress had had an opportunity to reject them. It seemed to invite the upset of local policies. Under the new plan acts of the local council would not take effect for 60 days (30 days in an emergency), but they would not be reported to Congress. They could be upset only by the pasasge of a bill through Congress.

The authors of the new bill have paid a high price, however, for this improvement. In place of the congressional check on the council they propose that a mayor be appointed by the President and given the power to veto actions of the council, although his veto could be overridden by a two-thirds vote of the council. A similar arrangement was put into effect a century and a half ago, and it didn't work well. The people soon won the right to elect their own mayor. Again in 1871 the so-called Territorial government for the District was set up with the defect that a governor was appointed by the President. That governor wielded most of the power and within 3 years involved the District in so much trouble that Congress swept away the whole experiment and left the people of Washington wholly disfranchised. A council elected by the people and an appointed mayor with veto powers would in all probability give us a government divided against itself.

There are other disturbing aspects of the new plan. It would divide the city into five wards, and three of the 15 councilmen would be chosen from each of these wards. Each ward would put up its own nominees, but they would be voted on by the entire city. If each ward had six or eight condidates for its three seats, therefore, the voters would be confronted by a slate of 30 or 40 candidates—far too many to permit careful selection. This provision will obviously need careful consideration.

On the positive side are provisions for the election of the Board of Education, although here again the five members would represent the five proposed wards, and for the election of a nonvoting District delegate in the House of Representatives. Probably the most significant thing about the plan is that it has emerged from consultations by representatives of the two groups that have heretofore been at loggerheads on the home-rule issue. Certainly hearings ought to be held promptly. Discussion will highlight both the strong points and weaknesses of the bill and doubtless lead to improvements. It is a thoughtful effort to restore self-government to the District and merits the most careful analysis by the community as well as by Congress.

Mr. President, with no consideration of the constitutional provisions to the contrary, the Post says, I repeat:

The new plan cuts away from that inadequate base—

Meaning a release of ourselves from the constiutional base on which legislation is enacted for the District of Columbia. That statement gives us a cue. Regardless of what may be our constitutional responsibility or function, whether acting contrary to or in conformity with it, the Post says:

The new plan cuts away from that inadequate base.

The inadequate base is, of course, the keystone of power which the framers of the Constitution vested, and the people have confirmed that vestment, in the Congress. Here is that confirmation:

To exercise exclusive legislation in all cases whatsoever over such District.

To some the base is wholly inadequate. To me, it is as solid as bedrock; it is, as the Constitution says it is, "exclusive." On this base is erected the superstructure of all constitutional legislation for the District of Columbia. Let us not cast off from our safe moorings. Any other method is a departure from this base, this true fountain of power. Any other route we take is the wrong route; any other road we travel is the wrong road, however beneficial to some may be the goals sought to be achieved. Right things ought to be done and must be done in the right manner, else we follow a path infested with hidden danger and grave uncertainty. The travail of such an experience would surely overcome us, just as it did our predecessors in the Congress in 1871. On a question of such transcendent constitutional importance no one wishes to sidestap his duty, his sworn responsibility. No expedient in the nature of a short-cut opens itself to us if we are to perform the obligations of our office in the manner the Constitution prescribes for us.

Mr. President, I am not capable of lecturing the editorial writers for the Post. I can express only my own concern for my own conscience and duty as I see them. Let us then hope that the half-hearted commendation given by the great Washington Post will, upon reflection, be withdrawn. Let us hope that upon further analysis its editors will lead its columns to recant from a course which seems, at least to me, unwise and fraught with such dangers, in fact, unconstitutional, and one we never should pursue in such a doubtful manner.

Lawyers and courts tell us in scores of opinions and adjudications that we travel in a twilight zone when it comes to distinguishing between what may be delegated as a municipal regulation or ordnance and what is reserved to the general legislature.

On August 20, the Washington Post spoke editorially as follows:

HOME-RULE PROGRESS

There is one especially heartening fact about the District home-rule bill soon to be voted on by the Senate. The present compromise bill is substantially different from the original Kefauver-Taft bill passed by the Senate in 1949. Instead of a city manager,

responsible to an elected council, the present bill calls for a mayor appointed by the President as the city's chief executive officer. Yet the new bill appears to have the support of virtually all those who sponsored the old one and of many who opposed it. This ready shift of allegiance from one measure to another is a strong testimonial to the fact that the basic interest is in home rule itself and not in any special form of municipal organization.

Both Senators KEFAUVER and TAFT told the District Committee in the recent hearing on the bill that they preferred the council-manager plan set forth in the old bill. But in neither case has this preference dulled the edge of their support for the compromise measure. Many citizens have manifested a similar attitude, and we are convinced that they are right. The difference between a Presidentially appointed mayor and a city manager, or between District and city-wide representation in the council, is relatively insignificant in comparison to the difference between home rule and the absence of it. No doubt experience will lead to gradual changes in any system that may be approved. For the moment all interest should be centered in obtaining that type of home rule which has a chance to succeed.

It is also true that the compromise bill has some notable advantages over the previous measure, as in the direct grant of full-fledged local lawmaking authority to the proposed council and in the provision for a nonvoting Delegate in the House of Representatives. With 22 sponsors from both parties already behind it in the Senate, the bill should slip through that body with no more than a token of opposition. The important thing is to get it passed quickly so that all effort can be concentrated upon its advancement in the House, where the most formidable obstacle lies.

There appeared in today's Washington Post an editorial entitled "Give Us Home Rule." Mr. President, before commenting briefly upon this editorial, let me burden you with about as flimsy an argument as I have ever seen in print, which favors the quick passage of the pending bill. The editorial is as follows:

GIVE US HOME RULE

As the Senate debates the District home-rule bill today, it will wish to look at fundamentals. We hope that every Member will take time to ask himself, "Why should the Capital of this great country be denied control over its local affairs, and why should its residents be deprived of the voting privilege that nearly all other adult Americans enjoy?" That will bring him face to face with the chief reason for enacting the Kefauver-Case Bill, for its primary purpose is to restore to the people of the District the basic rights of self-government that were taken from them nearly 8 decades ago.

To our way of thinking, this single argument should be enough to assure passage of the bill. The people of the District are not criminals or idiots; they are not illiterate or politically incompetent. On the contrary, they are normal, intelligent, responsible citizens who are just as much entitled to the exercise of democratic rights and privileges as are the people of Michigan or Georgia. In the face of the current world-wide upheaval over democratic rights Congress simply cannot afford to vote a fresh denial of suffrage and self-government to 850,000 Americans.

In recent years, however, another powerful incentive for giving the District home rule has arisen in Congress. That overworked body has found that it cannot carry the burden of governing the District without gravely neglecting national and international obligations. As Senator HOLLAND has said, "It becomes increasing ridiculous to waste so many congressional hours on problems that could be better handled by local representatives." Every Senator knows that he has no time to act as either "mayor" or councilman for the District. Consequently he ought to have a direct personal interest in transferring this local task to a local representative body.

What are the objections to the bill? Someone is certain to raise the threadbare constitutional issue. The Senate will probably be told that the foundling fathers did not intend that any elected government should operate here. This argument is directly refuted by Madison's remark that of course the people of the District would be allowed a local legislature. But more conclusive are the facts that the local governments of Georgetown and Alexandria (then in the District) continued to function after the District became the seat of the Federal Government and that Congress gave the new municipality of Washington an elected government which lasted in one form or another until 1874. What was constitutional from 1800 to 1874 has not become unconstitutional now. On the contrary, the wide experience of Congress with territorial government in more recent years has pointed the way for delegation of broader powers to a District home-rule government, and we are glad that the Kefauver-Case Bill has taken advantage of this fact.

One other objection raised by Senator JOHNSTON of South Carolina is that the Capital belongs to all the people. Of course, it does; and the Capital will continue to belong to all the people after its residents have been granted the right to control their police, their public welfare, recreation, schools, and so forth. Enactment of the home-rule bill would not disturb the supreme power of Congress over the District, but that power would be exercised only when it might become necessary to assert the congressional will or to preserve the special function of the Federal District. Senator JOHNSTON ought to remember that Charleston belongs to everybody in South Carolina, but that is no argument for denying Charleston residents the rights of suffrage and local self-government.

Objections to specific provisions in the bill will also be heard, and some of these may have merit. We do not pretend that it is the best bill that could be drafted. But it represents a reasonable compromise among the sponsors of home rule in the Senate and has behind it the endorsement of 12 prominent Democrats and 10 prominent Republicans. All of these men recognize that the important thing at this time is to get a home-rule government into operation. Any new system that might be adopted would have to be perfected in the light of experience. What is needed now is an overwhelming Senate vote for the Kefauver-Case bill—a vote that will help to galvanize the House into action on this measure or a similar one of its own.

Mr. HENDRICKSON. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. HENDRICKSON. I wonder whether the distinguished Senator from South Carolina has read an article in today's Washington Evening Star entitled "Democracy in D. C. Is a Myth," written by Thomas L. Stokes.

Mr. JOHNSTON of South Carolina. Is it in this afternoon's issue?

Mr. HENDRICKSON. Yes.

Mr. JOHNSTON of South Carolina. I have not read it.

Mr. HENDRICKSON. Mr. President, it is a very thought-provoking article, and it fits exactly into the discussion at this point. If I may, I would ask unanimous consent that it be inserted in the body of the RECORD at the conclusion of the Senator's remarks.

Mr. JOHNSTON of South Carolina. If it is not too lengthy, I would not mind the Senator's reading it into the RECORD now, if there is no objection.

Mr. HENDRICKSON. It is a little lengthy to read at this point, at this hour in the afternoon; but it can be printed at the conclusion of the Senator's remarks today, so that he may have an opportunity to read it early in the morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JOHNSTON of South Carolina. Mr. President, in the first sentence of the Washington Post editorial it is said that as the debates begin the Senate will wish to look at fundamentals. If the Senate will take the time to look at fundamentals and study them, this bill will not have the slightest chance of passage by this body. The first fundamental is that the entire measure, so far as any home rule is concerned, is unconstitutional. No basic rights were given the people of the District of Columbia 80 years ago and none have been taken away. The basic rights of the people of the District of Columbia are determined by the Constitution and not by any act of Congress. It is no argument and constitutes no reason that we should pass an unconstitutional act, because our duties respecting the passage of legislation for the District of Columbia are in pursuance of our constitutional functions.

Since the editorial directly refers to me and makes reference to the city of Charleston in the State of South Carolina, let me call to the attention of the writer of this editorial an important and controlling fact with reference to Charleston, S. C.; namely, that the Constitution of South Carolina contains no clause investing the State legislature with exclusive legislative power in all cases whatsoever over the city of Charleston. This may not be fundamental to the editorial writer of the Washington Post. It is fundamental, however, to every thinking lawyer and every discriminating student of constitutional government.

It is a pity that the editorial writer for the Washington Post seeks to draw parallels which do not parallel; it is unfortunate that the editorial writer seeks to distract and confuse rather than to elucidate and clarify. If we wish to look as the Post would have us look at fundamentals, we will easily conclude that this fundamental objection to the proposed measure is entirely basic. The editorial refers to Mr. Madison and his isolated clause in Federalist No. 43.

Speed seems to be the prime consideration of the writer of that editorial. Let me say that the important thing is not speed; the important thing is study, care, analysis, and a thorough and well-grounded understanding of our constitutional prerogatives and a finer, yes, keener appreciation, of a knowledge of our proper exercise of them. The beacon lights demand less speed and advise greater caution.

Speed is not the important consideration. No millennium will be reached when this bill is passed. No salvation will come by its immediate passage. No soul will be destroyed if we deliberate wisely and carefully and long. There is no impending catastrophe in the heavens that demands us to act now, quickly, and without consideration of all the grave consequences such speed and hasty, ill-advised action might precipitate upon us and the people here.

On the contrary and taking a wholly different view supporting in some detail the contentions I am making here, another of our great local, metropolitan newspapers, the Evening Star, on July 24, 1951, said:

WHERE HEARINGS WOULD HELP

Those who favored the Kefauver home rule bill probably favor the new version that has been prepared for the Senate District Committee. Those who opposed that bill undoubtedly are opposed to the new one. If hearings on this new bill were held, testimony of the pros and the cons would be largely a repetition of what has been said already concerning the principle of home rule.

But if this new bill is to be the measure reported to the Senate, every effort should be made to perfect it. And it might be a very sound idea for the committee to arrange for hearings in which testimony would be limited specifically to the terms of the bill. Such testimony might clarify parts of the bill that now are vague.

For example:

Section 1101 leaves to the mayor, a presidential appointee, and to the Federal Bureau of the Budget the negotiation of agreements between the District and Federal Governments covering the cost of services rendered by one to the other. Although local revenues are involved, the elected city council which is made responsible for raising revenue and spending it is assigned no part in reviewing or approving these agreements.

Section 402 gives the appointed mayor power to remove personnel in the executive departments of the District government. The power should be spelled out, to avoid conflict with rules of the Civil Service Commission which would apply to District personnel. It would be wise, moreover, to state the conditions under which the mayor, himself, might be removed.

The mayor can veto bills passed by the city council. The city council has authority to pass resolutions. Does the mayor's veto extend to the resolutions also?

The council meets once a week, except in July and August, when it would meet twice month. But who, in case of some emergency, can summon the council to a special meeting? The bill does not say. The bill states that in time of emergency a council bill would become effective in 30 days (instead of the normal 60 days for non-emergency bills). Thirty days is a long time to wait for legislation designed to deal with an emergency.

The council takes over the zoning power. No mention is made in the bill of the zoning advisory board or the zoning adjustment board, both of which perform important functions in zoning. While ordinances would be submitted to the Park and Planning Commission by the council, to determine if they conflict with Federal interests, the commission's disapproval could be overridden by the council. Should not the Fine Arts Commission also be consulted?

There is an implication in the bill that the Council can, by passing new laws, nullify existing acts of Congress, or at least amend them. This is evident in the Council's power to change boards and administrative agencies established by act of Congress. The bill's wording in this respect raises doubt as to whether validity of such legislative acts of the Council, repealing or amending acts of Congress, has been sufficiently examined.

Candidates for the Council can be nominated by a petition signed by not less than 1 percent of the voters in any ward, and those for the Board of Education by a petition bearing at least 200 signatures. Each candidate is entitled to one watcher in each polling place at election time. There would be 15 candidates elected to the Council every 2 years. If there are as many as 45 candidates, their watchers in the polling places may occupy so much room that the voters will have a hard time squeezing in.

There are other examples which could be cited here to show the need for the sort of clarification that public hearings are supposed to produce. After all, this new version of a home-rule bill is more radical, in the changes proposed in local government, than its predecessors and should be subject to no misunderstanding or lack of understanding.

On July 27, the editors of the Evening Star became more specific in their criticisms of the pending measure. I urgently commend to every Member of the Congress a careful reading of that editorial. In it is much food for sober thought. Arguments are presented which seem to me irrefutable.

EXHIBIT 1

DEMOCRACY IN THE DISTRICT OF COLUMBIA IS A MYTH—WHILE THE UNITED STATES TRIES TO EXTEND THE DEMOCRATIC IDEAL OVER THE EARTH, WASHINGTON REMAINS VOTELESS

(By Thomas L. Stokes)

There's a great Nation, not mythical either but firmly anchored in solid dirt west of the Atlantic Ocean and east of the Pacific Ocean, which is proud of its democratic government and is earnest about extending democracy to the far ends of the earth.

But democracy is a myth in its own Capital City. There citizens are denied the simple and basic right of democracy, which is the vote—the free ballot about which its statesmen, real and synthetic, talk so much.

They might as well be back under King George the Third. They have taxation without representation, live under laws and regulations made by those in whose selection they have no voice and otherwise fulfill the bill of particulars that their forefathers filed against King George the Third.

They live in the same town with the Chief Executive of the Nation, the President, and see him in his comings and goings, but have no share in him. They are governed by two committees of Congress, which could much better be looking after the Nation's business, and by three so-called District Commissioners appointed by their President.

All of this is an old story among us here, for it is here, of course. It is brought up once again because Congress is back in session again, and it is time again to petition Congress to give us democracy here and tear away our own iron curtain and pull down the pillars of our local Kremlin.

It is, more than a petition to Congress, a petition to the rest of the people of the Nation. For, as Patrick Henry once said, we have petitioned in vain. Congress ignores our petitions. Our only recourse is people elsewhere who have the vote and elect Members of Congress and presumably have some influence on them, and maybe more than usual in this election year.

We are aware that your Congressman, when he is making those noble utterances on July Fourth or other occasions about the free ballot and other blessings of democracy, never tells you that a part of the Nation is denied the ballot and the right to govern itself.

Maybe you never knew that, or have forgotten, but it is a fact, and now is the time.

If you think democracy would be all right for us—write and tell him.

It is not, of course, all of Congress that concocts this conspiracy against free government. In the last Congress, as a matter of fact, the Senate unanimously passed a home-rule bill permitting us dummy citizens here to vote and elect officials and it is the first order of business for the Senate this session. The House refused in the last Congress and that's where the trouble will come again.

It's not the whole House either, but a Kremlin installed in the House District of Columbia Committee headed by Representative JOHN L. MCMILLAN, Democrat of South Carolina, its chairman, which seems to have considerable influence among other members. Mr. MCMILLAN does not believe in democracy for the National Capital, nor do some of his fellow committee members. So they just smother the bill.

It's right mysterious, but it seems to have something to do with the fact that Negroes here would be able to vote along with everybody else and have an influence in local government. Some southern Members of Congress don't want their constituents to know they are approving anything like that, even though this is not their constituency, but ours who live here.

This attitude is strange, too, for Negroes are being permitted to vote in Southern States now, including South Carolina. It would seem that if folks there think it's all right there, they wouldn't object to their Congressmen letting Negroes, and the rest of us, vote here.

But the dictator complex still prevails about what's good for us here.

Republicans, of the party of Abraham Lincoln, also play in with this southern conspiracy in the House. That was demonstrated in the last Congress. A petition in the House had almost the required 218 signatures to force the home-rule bill out of JOHN MCMILLAN'S iron grasp and onto the floor for a vote. Then Republicans quickly called a caucus and thereafter a number of Republican names were withdrawn. That's the old familiar game of footie that goes on between Republicans and southern Democrats.

Democracy for Timbuctoo—but not for American citizens in their own National Capital and, to tell the truth, citizens here are quite intelligent. They probably could adjust themselves to democracy and manage their own affairs, maybe, with a bit of practice, almost as well as JOHN MCMILLAN'S constituents.

Mr. McFARLAND. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. McFARLAND. May I ask the Senator if he has about concluded his remarks, or will they extend at some length?

Mr. JOHNSTON of South Carolina. I am just about half-way through.

Mr. McFARLAND. Mr. President, would the Senator object to a recess until tomorrow, if he may have the floor after the transaction of routine business tomorrow?

Mr. JOHNSTON of South Carolina. I would not object to that. I see it is now 5 o'clock.

Mr. McFARLAND. Some of the Members of the Senate have asked me when the Senate would recess, and I told them we would try to recess about 5 o'clock. It is now 5 o'clock.

I ask unanimous consent that tomorrow when the Senate reconvenes the

Senator from South Carolina [Mr. JOHNSTON] may have the floor after the transaction of routine business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RECESS

Mr. McFARLAND. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 1 minute p. m.) the Senate took a recess until tomorrow, Tuesday, January 15, 1952, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 14 (legislative day of January 10), 1952:

MUTUAL SECURITY

William H. Draper, Jr., of New York, to be special representative in Europe, with the rank of Ambassador Extraordinary and Plenipotentiary pursuant to section 504 (a) of the Mutual Security Act of 1951.

BUREAU OF INTERNAL REVENUE

Charles William Davis, of Illinois, to be Assistant General Counsel for the Bureau of Internal Revenue, in place of Charles Oliphant, resigned.

IN THE ARMY

Lt. Gen. LeRoy Lutes, O5413, Army of the United States (major general, U. S. Army) to be placed on the retired list in the grade of lieutenant general under the provisions of subsection 504 (d) of the Officer Personnel Act of 1947.

Lt. Gen. John Breiting Coulter, O3488, Army of the United States (major general, U. S. Army) to be placed on the retired list in the grade of lieutenant general under the provisions of subsection 504 (d) of the Officer Personnel Act of 1947.

The officer named herein for appointment in the National Guard of the United States of the Army of the United States under the provisions of section 38 of the National Defense Act as amended:

To be brigadier general of the line

Brig. Gen. Delbert Ervin Schultz, O309296, Ohio National Guard, to date from November 20, 1951.

IN THE AIR FORCE

The following officers for appointment to the positions indicated under the provisions of section 504, Officer Personnel Act of 1947:

To be generals

Lt. Gen. John Kenneth Cannon, 3A (major general, Regular Air Force), United States Air Force, to be commanding general, Tactical Air Command, with rank of general with date of rank from October 29, 1951.

Lt. Gen. Curtis Emerson LeMay, 26A (major general, Regular Air Force), United States Air Force, to be commanding general, Strategic Air Command, with rank of general with date of rank from October 29, 1951.

Lt. Gen. Benjamin Wiley Chidlaw, 23A (major general, Regular Air Force), United States Air Force, to be commanding general, Air Defense Command, with rank of general with date of rank from October 29, 1951.

To be lieutenant general

Lt. Gen. Laurence Sherman Kuter, 89A (major general, Regular Air Force), United States Air Force, to be Deputy Chief of Staff, Personnel, United States Air Force, with rank of lieutenant general with date of rank from April 11, 1951.

IN THE NAVY

The following-named officers of the Navy and Naval Reserve on active duty for temporary appointment to the grade of captain in the corps indicated, subject to qualification therefor as provided by law:

For temporary appointment in the Navy:

MEDICAL CORPS

Ballenger, Murray W.
Berk, Harold R.
Bulgrin, James G.
Connelly, Thomas P.
Eighmy, Herbert H.
Ferwerda, Thomas
Hatch, John L.
Harris, Eugene P.
Foertner, John F.
Poos, Robert S.
Powell, Roy R.
Ryan, Stephen J.
Shuler, James B.
Welham, Walter
Yates, Marion T.

SUPPLY CORPS

Bierer, Howard T.
Blick, Charles A.
Buck, Roy G.
Dietz, James S.
Hetter, Frederick L.
Humes, Ralph M.
Kimball, Leland P., Jr.
Kuehl, Howard F.
Lacey, Donald O.
LaFarge, Charles A.
Lee, Lamar, Jr.
Long, Thomas A.
MacKenzie, DeWitt C.
Magnell, Alfred T.
Metzger, Edward F.
O'Connell, Thomas P.
Ryan, Albert F., Jr.
Twigg, Donald W.
Weintraub, Paul L., Jr.
White, Laurence A.

CHAPLAIN CORPS

Dreith, Joseph F.
Faulk, Roland W.
Hagen, John F.
Zimmerman, John D.

CIVIL ENGINEER CORPS

Bagley, Harry H.
Davis, James R.
Davis, Lewis M., Jr.
Drustrup, Norman J.
Emery, George C.
Fischer, George E.
Fitzpatrick, Henry J.
Kingsley, Neil E.
Lamoreaux, Raymond
McFarland, Clifton B.
McHenry, Joseph A.
Robinson, George S.
Schepers, Robert W.
Scheve, Carl J.
Shaid, Henry C.
Stelger, John A.
Tate, Jule C.
Nichols, Madison
Peltier, Eugene J.
White, Joseph

DENTAL CORPS

Allen, John C.
Berglund, Karl V. L.
Burns, William R.
Cosby, Miller H.
Craig, Morris C.
English, James A.
Frates, Frank E., Jr.
Goldring, Willard J.
Gonzalez, Frank I., Jr.
Hilt, John J.
Hoyt, Charles F.
Krieger, John E.
Lippold, Walter W.
Manson, Emmet L.
McClung, Daryl S.
Naish, Wendell
Pridgeon, Charles T.
Raffetto, Edward C.
Seidel, William
Waas, Clifford J.
Wanger, James L.
Westerman, Jesse V.

For temporary appointment in the Naval Reserve:

SUPPLY CORPS

Dinsmore, Harold T.
Washabaugh, William V.

CHAPLAIN CORPS

Goldberg, Joshua L.
McNally, Herbert P.

CIVIL ENGINEER CORPS

Whyte, Clifton A.

DENTAL CORPS

Kallman, Raymond R.

The following-named officers of the Navy and Naval Reserve on active duty for temporary appointment to the grade of commander in the corps indicated, subject to qualification therefor as provided by law:

For temporary appointment in the Navy:

LINE

Abbott, Robert L.
Adams, John P.
Ahern, Robert J.
Alley, Charles J.
Anderson, Joseph C.
Anderson, Roy G.
Andrews, Thomas L., Jr.
Anstett, Douglas G.
Arnold, William
Arthurs, Marvin M.
Ashe, Walter D.
Auman, Forrester C.
Azab, John C.
Bacon, Schuyler W.
Bagwell, Ralph M.
Baker, Carl S.
Baker, Robert F.
Balaban, Stephen F.
Ball, Thomas J.
Balson, John E.
Bangs, Louis L.
Barckmann, Walter H.
Barnard, Louie, W.
Barnhart, Robert E.
Bassett, Henry B.
Baughman, Arden E.
Bauser, Edward J.
Beadle, Marvin L.
Beauchamp, Ernest M.
Belcher, Roy Swan, Jr.
Belikow, Alexander W.
Bellinger, Duane J., Jr.
Bellis, Charles A.
Benton, Burgin L.
Berrey, David L.
Berrey, Samuel B.
Bienia, John P.
Bikle, Burton L.
Billings, Richard N.
Bird, Noel V.
Bise, Wayne Ralph
Bisek, Walter G.
Black, Morton N.
Black, Norris E.
Blackwood, Frank A.
Boettcher, Fred W.
Bottenberg, William R.
Bowen, John R., II
Boyle, John E., Jr.
Bradway, William S., Jr.
Brady, James O.
Bray, Eddie Miles
Brashear, Troy
Brazil, Fredrick J.
Brett, William P.
Brines, George R.
Brinkley, Charles B.
Brinn, Rufus T.
Brinton, Wright
Brittin, Burdick H.
Brooks, George W.
Brooks, Sidney
Brouillette, Charles B.
Brown, Gordon J.
Brown, Maurice E.
Brown, Ralph
Brown, Ward W.
Brown, Wilby R.
Bryant, James S.
Buchanan, Joseph O., Jr.
Buerschinger, Wallace P.
Bumgardner, Fred A.
Bunn, Giles F., Jr.
Burger, Glenn W.
Burgess, Andrew P., Jr.
Burns, Harry A., Jr.
Butler, John L., Jr.
Callahan, Maurice D.
Campbell, Donald C.
Campbell, Robert K.
Cantlon, Clifton E.
Cappello, Henry J.
Cardinal, William E.
Carl, Edward F.
Carmichael, Carl
Carney, Gerald F.
Carroll, Robert M.
Carter, John L.
Carver, Marshall H.
Cavanaugh, John O.
Cawley, Max E.
Chacey, Donald V.
Chaffin, George M.
Chalmers, Norman E.
Charles, Robert G.
Chase, Robert P.
Chay, Donald S.
Chenoweth, Oscar I., Jr.
Chick, Lewis W.
Chippendale, James E.
Christiansen, Arnold R.
Clark, Ernest
Clarke, Frank H.
Clemens, Joseph C.
Coats, Robert C.
Cocowitch, Harry M.
Coffin, Granville F.
Coley, William B.
Collingwood, John F.
Collins, Earl C.
Collins, Wilbur P.
Combs, Paul C.
Compton, Oliver D.
Conboy, Charles E.
Condon, William J.
Connolly, John M., Jr
Converse, Elliot V., Jr
Conway, Harry J.
Cook, Ralph E.
Coonrod, Edgar E.
Corcoran, William J.
Corneliussen, Steve T.
Cox, Harry C.
Craig, William D.
Cramp, Kenneth W.
Cravens, William H., Jr
Craw, Stanley R., Jr.
Crawford, James T.
Crockett, David S.
Cunnare, Francis H.
Cushman, Kent M.
Dahl, Milton R.
Dahlstrom, Vincent A.
Dale, Charles R.
Daly, George W.
Damon, Arthur H., Jr.
Daniels, Lowell P.
Danielski, Joe M.
Dannevik, Hubert W.
Darby, Lowell E.
Darrah, Charles A.
Davis, Bernard W.
Davis, Clifton B.
Davis, Joe C.
Davis, John A.
Davis, John H.
Dawley, Frank L.
Deaton, Charles S.
DeBlanc, Albert C.
Decker, Joe B.
Deckwa, Ralph E.
Deily, Francis W.
Denegre, Thomas B., Jr.
Denning, Leland S
Denzin, Gordon O.
Dertien, Donald A.
Desgalier, Marcel, Jr.
Deventer, Willard W.
Dickinson, Robert W.
Dickson, David A.
Dierks, DL John
Dolan, John H.
Donahue, John C., II
Donahue, Philip M.
Douglass, George M.
Dowdell, James S.
Downs, Benjamin H.
Doyle, James P.
Drain, Dan T.
Dresser, Kenneth R.
Duncan, John A.
Dunham, William F.
Durley, William N.
Dye, Philip G.
Eason, Van V., Jr.
Economou, Constantine J.
Edelstein, Sam E., Jr.
Edwards, Benjamin F., Jr.
Edwards, Frederick L.
Elder, Robert M.
Elliott, George T.
Elliott, James B. J.
English, Jack R.
English, James P., Jr.
Erdmann, Robert F.
Erickson, Whitney A.
Erskine, Kenneth M.
Essenwine, George S.
Ettinger, Ralph D.
Evans, Halbert K.
Evans, Malcolm G.
Evers, Adelbert R.
Fabrick, William A.
Fairchild, Dale E.
Fairley, Jesse A.
Field, Jennings P., Jr.
Filson, James B.
Finneran, John F., Jr.
Fiorini, Elmer B.
Fisher, Clayton E.
Fisher, Robert
Fitch, Harry L.
Fleet, John P.
Floyd, Joe H.
Foltz, Gayle C.
Ford, James A.
Forrest, Edgar H.
Foster, Charles F.

Foster, Edward L.
Foster, William M.
Frankel, Bernard
Fraser, George R.
Frazier, Paul W.
French, Dana P.
Frick, Leo F.
Fulton, Howard T.
Galassi, Mario C.
Gallahar, John L.
Gano, Paul
Garrett, Joshua H.
Garvey, Richard S.
Gates, Clark H.
Geissinger, Verne E.
Gemmill, Gordon
Gentry, Edmond H.
Gerry, Duane J.
Gibson, William R.
Gillen, Earle C.
Gillogly, Alvin E.
Ginn, Wilbur N., Jr.
Galdding, Everett B.
Glanzman, John B. J.
Gleeson, John P.
Godding, Talmai F., Jr.
Goldbeck, Page
Gooch, Floyd W., Jr.
Goodwin, John A.
Gordon, Archer R.
Graig, Clement M.
Grainger, Charles H.
Gray, Taylor W.
Green, Maurice F.
Greene, Walter E.
Greer, George B.
Griffin, Bayard F., Jr.
Griffin, Charles D.
Griffin, Cyril G.
Griffith, Walter B.
Grimmell, Howard L., Jr.
Grothjahn, Harry C.
Guillory, Troy T.
Gundlach, William
Gunn, Joe M.
Gustaferro, Joseph F.
Guy, Robert S.
Hackett, James E., Jr.
Hake, Charles Robert
Hale, James M.
Hall, William T.
Haller, Morris E.
Hampshire, Victor A.
Harbison, Robert F.
Hardy, Lewis R., Jr.
Harland, Manford B.
Harrell, Robert B.
Harrington, Dan F., Jr.
Harris, John S.
Harrold, Clay
Harty, Kevin D.
Hassenfratz, Herbert H.
Hathaway, Marvin F.
Hedrick, George H., Jr.
Henderson, Andrew H., Jr.
Henderson, Loren
Hermanson, Walter L.
Herrald, Fletcher H.
Hidding, Paul J.
Hilar, Albert P.
Hildreth, James B.
Hines, Halsey
Hirschi, Melvin E.
Hirshfeld, Ross R.
Hirst, William B., Jr.
Hitchcock, John H.
Hodson, Norman D.
Hoeppner, Frederick R.
Hoffberg, Howard J.
Holloway, Urcel B.
Holmes, John L., Jr.
Horner, Thomas L.
Howard, Seth T.
Howell, James N., Jr.
Huff, James H.
Hughes, John W.
Hulings, Harry J.
Hultstrand, Victor F.
Hunt, Deacon
Hunt, Edward R.
Hunt, William T.
Hunter, Wilbur R.
Hurd, Charles W.
Hyde, William T.
Ifft, James D.
Iredale, Wilfred S.
Irgens, Donald L.
Irish, Arthur S.
Isaman, Roy M.
Ivison, Sterling H., Jr.
Jack, Max C.
Jackson, Harry A.
Jackson, Wyman N.
James, Daniel V.
Jansen, Gilbert B., Jr.
Jardine, Carlton T.
Jenkins, Lewis W.
Jennette, Christopher R.
Jensen, Donald T.
Jeremiah, William E.
Johns, Ruben L.
Johnson, Edward B., Jr.
Johnson, J. Leroy
Johnson, James N.
Johnston, Frederic J.
Johnston, Harold W.
Johnston, Richard G.
Jones, Franklyn L.
Jones, John F.
Jones, John P.
Jorgensen, Paul T.
Juhnke, Lyle A.
Kalemaris, Stanley G.
Kanaga, Franz N.
Kee, Kenneth R.
Kelsey, Philip C.
Kendall, Thomas E., Jr.
Kennedy, Jefferson, Jr.
Kennedy, John E.
Kerr, Albert V.
Kicker, Harold J.
Kiefer, Edwin H.
Kilcourse, Robert S.
King, Jerome H., Jr.
Kingman, Luin G.
Kittrell, James R.
Klain, David P.
Klenk, Herbert S.
Knoche, Ernest J.
Knowlton, Negus W.
Kobey, Albert L., Jr.
Koenigsberger, Charles, Jr.
Kohler, Karl B.
Kooy, Herman P.
Kosciusko, Henry M.
Koterba, Paul J.
Krattli, James A.
Kroger, Bruce G.
Kuykendall, William O.
Kyllonen, Toivo V.
Lafferty, John C.
Laforest, Thomas J.
Lagle, Robert D.
Lahodney, William J., Jr.
Langan, Vincent C.
Lanterman, William S., Jr.
Larkin, Daniel F., Jr.
Larocque, Gene R.
Laroe, Edward T.
Larson, Harvey
Larson, Robin E.
Lauff, Bernard J.
Laurich, James A.
Lawrence, Harry B.
Lawyer, John W., Jr.
Leary, Walter J.
Lee, Carl F.
Lee, Clyde B.
Lenz, Clifford A.
Lienhard, Bernard A.
Lindsey, Rowland G.
Little, James E.
Loftus, Edson G.
Long, Andrew W., Jr.
Louthen, Willard V.
Lowe, Grady H.
Luce, William T.
Lundgren, Arthur E.
Lyman, John G.
Lynn, Robert H.
Lyon, Hugh P.
MacIntosh, Neil B.
MacMath, Warren E.
Madden, Lawrence M.
Maddox, John F., Jr.
Marquardt, Richard C.
Marriott, Victor E.
Marron, James J.
Martens, Theodore J.
Mason, Frank V.
Mason, Marion A.
Matthews, William A., Jr.
May, Hobert
May, James J., Jr.
Mayer, Lucas B.
Mayher, John R.
Maynard, John F.
Mayo, Robert C.
Meahl, Melvin E.
Medley, Russell C.
Meinsler, Edward F.
Melhorn, Charles M.
Melson, Lewis B.
Mencin, Adolph
Menge, Robert F.
Mercer, James
Merkt, Edward W.
Merrill, David A.
Miller, Donald G.
Miller, George W.
Miller, Herman
Minor, Gerald E.
Minton, Robert B.
Mishan, John E.
Moffatt, George G.
Mohle, Robert L.
Moore, Truman O.
Moorhouse, Dean O.
Morgan, Philip C., Jr.
Morton, Albert O.
Moyers, Layman D.
Muckenthaler, Charles P., Jr.
Murphey, Henry M.
Murphy, Frank M.
Murray, James X.
McAfee, Clellan B.
McCabe, Hugh T., Jr.
McClanan, Forest H.
McClanan, Francis H.
McConnell, James H.
McCoy, Elwood C.
McDonald, Maxwell
McDonough, Joseph A.
McDowell, William R., Jr.
McGrady, James P., Jr.
McGuire, Walter J., Jr.
McIntosh, David M.
McKee, John R.
McLaughlin, Bernard
McMillan, Harold W.
McNulty, Willard J.
Neighbours, James W.
Neil, John S.
Neill, Dugald T.
Neman, Sol
Newberg, Eric G., Jr.
Newcomb, John H.
Newhall, James W.
Nichols, Keith G.
Nichols, Robert G.
Norrington, William E., Jr.
Nugent, Frederick C.
Nuttman, Robert F.
Nystrom, George L., Jr.
O'Dowd, William T., Jr.
Ogren, Edwin E.
Olavsen, Magnus D.
Olingy, Harrison J.
Oliver, Otis C.
Oliver, Ray E.
O'Neill, Harold J.
O'Neil, Vernon P.
Orme, Samuel T.
Ousey, Walter M.
Outlaw, Hampton L.
Overtsreet, Hugh C.
Owen, John M.
Panciotti, Michael E.
Parisian, Richard W.
Parris, Arthur
Patton, David B., Jr.
Payne, Charles D.
Pearce, Robert E.
Pendergraph, John G.
Pendergrass, James T.
Pennoyer, Frederick W., III
Perry, William L.
Phelps, John N.
Piper, Max A.
Pitts, Raymond L.
Plowman, Edwin L.
Pollak, Edward G.
Pollard, Eric W.
Porter, Ebenezer F.
Poulsen, Harold N.
Powell, John F.
Price, William M.
Quinn, Charles S., Jr.
Ragsdale, Milton M.
Rahill, Gerald W.
Rawlings, Grover L.
Redmayne, Richard B.
Reef, John S.
Regan, Donald A.
Reid, Richard J., Jr.
Reidy, John J., Jr.
Reinhardt, William H., Jr.
Reitz, Spencer
Replogle, Max C.
Reynolds, Harry O.
Rhoades, Everett A.
Ricks, Robert B.
Riner, James A., Jr.
Ring, Eli D.
Rinker, Jacob A., Jr.
Robinson, Frederick G.
Robinson, Gerald A.
Rodgers, Robert R.
Rodin, Harry C.
Rogers, William J., Jr.
Rood, George H.
Rose, Alfred W.
Rose, Joseph S., Jr.
Ross, James E.
Rothenberg, Allan
Roy, Paul T.
Rucker, Preston R.
Rudd, Norman H.
Rudnicki, Thaddeus F., Jr.
Ruefle, William J.
Rumford, James F.
Runk, Theodore W.
Runyan, Elmo D.
Russell, Charles E.
Ryder, Henry S.
Salyer, Herbert L., Jr.
Salzer, Robert S.
Sanders, Tribble R.
Sandor, Edward A.
Sands, Walter C.
Santry, Jere J., Jr.
Saunders, Walton N.
Saveker, David R.
Scapa, Jacob
Scherrer, Carl L.
Schley, John B.
Schmidt, Henry E.
Schnoor, Kirke G.
Schoenberg, Morris
Schroder, Henry M.
Scott, Howard T. Jr.
Scott, Meredith L.
Scurlock, Robert A.
Seabrook, Thomas
Seith, William
Selden, Clifford H.
Sessums, Walter M.
Sexton, Richard A.
Shadow, Ray A.
Shallenberg, Lowell W.
Sharpe, Winton C.
Shelton, Samuel M.
Shields, John W.
Shimp, Robert P.
Shinners, John E.
Shockey, William H.
Shortall, Keith T.
Shropshire, Paul H. J.
Shumaker, Clifton
Silver, David
Sims, John H.
Sisley, William R.
Sloan, Earl W.
Sloan, Lloyd E.
Smith, Carl M.
Smith, Coleman H.
Smith, Harold T., Jr.
Smith, William A.
Smits, Cornelius J., Jr.
Snipes, Rodney F.
Soderholm, Carlton E.
Sollenberger, Robert L.
Sorensen, Robert E.
Sotos, George P.
Sours, William H.
Spalding, James M., Jr.
Speltz, Paul H.
Spirt, David
Spoerer, Charles G., Jr.
Stacey, John R.
Stanford, Harry F.
Stanziano, Arthur J.
Starkes, Carlton B.
Stefan, Karl H.
Stevens, Paul F., Jr.
Stevens, Wynne A., Jr.
Stirling, Harry E.
Stone, Frank B.
Stone, Ried W.
Stonecipher, Elmer T.
Streeter, Edwin W.
Sturkey, Charles M., Jr.
Sullivan, Edward T., Jr.
Swanson, Gustav F.
Swayne, Charles B.
Sweatt, Robert A.
Sweeny, James B., Jr.
Sykes, Ira D., Jr.
Tallman, Humphrey L.
Teague, James E.
Teepe, Frederick W.
Teeter, Phillip H.
Tenhagen, William S.
Terry, John H.
Thayer, Herbert E.
Thompson, Joseph E., Jr.
Thompson, Thomas A.
Thudium, Ralph M.
Tibbets, Richard H.
Tilden, Charles E.
Tippey, James M.
Toran, William P.
Toy, Walter F.
Tredick, George A., Jr.
Tripp, Jack H.
Turner, Charles W., III
Tvedt, Joseph A.
Urquhart, Oscar G.
Utke-Ramsing, Verner, Jr.
Vallario, Michael E. N.
Vanderburg, Elden R.
Vanston, Henry D.
Varner, Ralph B.
Venne, Antoine W., Jr.
Verdery, Eugene F., III
Vidani, Paul J., Jr.
Walkinshaw, David J.
Wallace, Edwin H.
Walley, David M.
Ward, Edward M.
Ward, Rudolph L.
Warren, George R., Jr.
Watson, Earl E.
Webb, Richard E.
Webster, James T.
Weidling, John F.
Weiss, Arnim M.
Weissenborn, Donald E.
Welch, David F.
Westervelt, John D.
Westmoreland, Jewel E.
Wheeler, Robert H.
White, Richard H.
Whitener, Miles S.
Whitman, William A.
Wilbur, Charles C.
Wilder, Dan B., Jr.
Willey, Edward L.
Williams, Clyde A.
Williams, Donald R.
Williams, John G.
Williams, John K.
Williams, Robert E.
Williamson, Elmer F.
Wilson, James R.
Wilson, William R.
Wise, Kipling W.
Wiss, Donald H.
Witten, Charles H.
Wittman, Narvin O.
Wixom, Virden J.
Wolfe, Roger M.
Wood, Albert H.
Wood, Geoffrey C.
Wood, Harry
Wood, Thomas J.
Woodroof, Olen C.
Wooten, Amos L.
Worcester, Benjamin F., II
Wright, Richard L.
Wunderli, Alfred H.
Young, Norman A.
Yourek, Frank A.

MEDICAL CORPS

Calderwood, George C.
Cunningham, James K.
Pearson, Rufus J., Jr.
Wilbur, Carl E.

SUPPLY CORPS

Adams, Fred T.
Andross, David P.
Angelopoulos, John C.
Arrighi, Norman L.
Arst, Norton J.
Beale, Arthur G.
Beasley, Embrey J.
Behr, John R.
Beyer, Kenneth M.
Boileau, Alfred P.
Bonnell, Graham C.
Borst, Maurice A.
Brown, Edgar M.
Bruno, Thomas H.
Campbell, Robert R.
Cartee, James W.
Christensen, Don C.
Clark, Grover V.
Clark, Walter H., Jr.
Cooley, Hollis W.
Custer, John D.
Daray, Jack L., Jr.
Dunlap, Brownlow W.
Dunn, Clark
Ellis, Robert L.
Ernst, Charles R.
Evans, Philip W.
Everett, Robert J.
Fay, David E.
Finn, Walter R.
Foster, George S., Jr.
Gabriels, Alfred H.
Gay, William W., Jr.
Geer, Richard W.
Gould, Horace B.
Graham, John W.
Grauel, Nathaniel
Griffin, Richard H.

Hagen, Edward J.
Hamerslag, Alan M.
Harvey, James E., Jr.
Hayes, Harold F.
Healy, Charles F., Jr.
Helsel, Rolland A.
Henry, George, Jr.
Hicks, Harry J., Jr.
Hill, Robert S.
Hoag, Richard M.
Honey, Leonard G.
Howard, Joseph L.
Hughes, Gordon G.
Hughes, William V.
Hyde, Howard S.
Ironmonger, Richard
Jepson, Francis E.
Jones, Richard M.
Joyce, Ernest M.
Kahao, Martin J. B.
Knight, Charles L.
Knopf, Winfield G.
LaBarre, Carl A.
Lee, Charles E.
Lillis, Joseph H.
Loegel, Paul J.
Lyles, Arromanus C., Jr.
Lynch, James J.
Lyness, Douglas H.
Lyon, Frederick A.
MacCaffray, Stuart A.
Macaulay, Julian S.
Macey, Irving F.
Maddock, Clyde E.
Malloy, John M.
Mann, Arthur W., Jr.
Manuel, Goff E.
Martin, Clark O.
Martin, Jay W.
Mathis, Frederick C.
Meilandt, Ralph L.
Mittrick, Michael
Moore, Patrick W.
Mullins, Robert W.
Murphy, James P.
McCarten, George C.
McCreery, Bernard L.
McLaughlin, Joseph D.
Nisbet, Henry S., Jr.
Oliver, Frank French
O'Neill, Edward P.
O'Toole, Charles W.
Patton, Lamar D.
Purvis, Theodore B., Jr.
Quinn, Joseph P.
Rainey, Benajah L.
ReDavid, Louis F.
Risser, John Jay
Roberts, Leo W.
Rogers, Ernest W.
Rosso, Richard A.
Ruark, Charles R.
Russell, Thomas H. K.
Scatchard, Joe B., Jr.
Sharp, Evert R.
Shea, Leonard E.
Simcock, John W.
Skipper, Henry J.
Smith, Stuart H.
Strickler, Kenneth D.
Sword, David R.
Taffinder, Sherwoode A. Jr.
VanDerMaaten, Robert R.
Vogt, Frederick H.
Wagner, Louis B., Jr.
Walker, Samuel Y.
Ward, William
Wettermark, Alfred B.
Whitcomb, James L.
Williams, Ralph E., Jr.
Williams, Richard A.
Wolfe, John P.
Wornom, Lawrence D.

CHAPLAIN CORPS

Bouterse, Mathew J., 2d
Frame, Clovis A.
Moorman, Julian P. Jr.
Vaughan, Robert A.
Wintersteen, Prescott B.

CIVIL ENGINEER CORPS

Culp, Dennis King
Erickson, John A.
Johnson, Henry J.
Maley, William T. Jr.
McFarland, Wilburn J.
Rooke, Donald R.
Smith, Spencer R.
Sparks, Robert E.
Stevens, Harry Jr.
Stevens, Victor G.
Taylor, Harold I. Jr.
Urquhart, James B.
Valentine, William J.
Wright, James A. Jr.
Young, James C.

MEDICAL SERVICE CORPS

Calkins, Willard C.
Crawford, Charles L.
Foley, Sylvester R.
Gulledge, Albert M.
Jenks, Frederick C. Jr.
McCullah, Harry F.
Timberlake, Claude V. Jr.

NURSE CORPS

Bullard, Hazel
Evans, Bertha R.
Hodge, Jesse D.
Houghton, Ruth A.
Overton, Minnie O.
Redding, Anna E.
Yarnall, Catherine E.

DENTAL CORPS

Bradshaw, Frederick H.
Dwyer, William D.
Feder, Harold W.
Frantz, Leroy R.
Grady, Stephen A.
Jerkofsky, Gus J.
Kelly, Jack J.
Lofgreen, Eugene J.
Lukins, Frederick B.
Sandman, George H.
Thayer, Ernest A.

For temporary appointment in the Naval Reserve:

LINE

Adams, Howard J., Jr.
Adams, James J.
Adams, Russell R.
Akerman, Alexander, Jr.
Alexander, Thomas E.
Allen, Robert D.
Althouse, Herbert E.
Ames, Bill C.
Anderson, Roy B.
Anderson, Russell W.
Andrews, Cornelius R.
Andrews, Osa L. Jr.
Atkinson, William B.
Bahry, Frank
Balay, Paul L.
Barnes, Edgar D.
Bashinski, Horace M.
Beatie, Walter C., Jr.
Beatty, William H., Jr.
Benford, Thomas J.
Benson, Lloyd G.
Berenbach, Eugene L.
Billingsley, Henry E.
Bittenbender, Steven
Blackburn, Charles B.
Blocksom, Roland D.
Bolt, Robert B.
Bondesen, Everett J.
Boone, Lester I.
Bowler, Eugene P.
Boyd, David
Bradford, Curtiss H., Jr.
Bradford, Gerard, Jr.
Brandenburg, Frank C.
Brantley, Daisy L.
Breinholt, Vance L.
Briggs, Newton W.
Brink, Edward L.
Britson, Richard E.
Brockhouse, Richard A.
Brooks, Charles W.
Brown, Grover, D. Jr.
Brown, Raymond C. T.
Brown, Thomas S.
Brown, William B.
Bryson, William
Buchans, John A., Jr.
Bulfinch, Thomas
Busey, David G.
Call, Hughes
Caplan, Stanley
Carlson, Raymond M.
Carpenter, Alden P.
Carr, Dorrest M.
Carrington, Richard W.
Chadwick, John E.
Chapman, Clarence G.
Chapman, Sargent
Chisholm, Robert F.
Clayton, James N., Jr.
Clifford, Alfred H.
Coffin, Leroy A.
Collins, Orlyn M.
Collins, Robert W.
Collison, Earl M.
Comee, Edgar A.
Conant, Ernest R.
Coombs, Cyril L.
Cornell, Wallace G.
Cowart, Frank P.
Cox, Charles M.
Cox, George E.
Croom, Milton M.
Danford, Paul C.
Darden, Harry M.
Darnell, Charles F.
Darragh, Jack B.
Darrow, John B.
Davis, Dwight M.
Davis, John B.
Davis, William T.
Deavitt, Richard M.
Demuth, James A.
Denman, Anthony J.
Denny, William E.
Denon, Joseph E.
Dolan, James J.
Donahue, Edward B.
Draine, Richard P.
Drake, Robert M.
Drew, Harold E., Jr.
Duncan, Robert J. H.
Dunney, Howard E.
Duttweiler, Fred C.
Edwards, James L., Jr.
Eldredge, Randolph M.
English, John P.
Erskine, Wilson F.
Eunson, Edward S.
Ewbank, Ray N.
Favor, Frederick
Finley, John M.
Fischer, Edwin A.
Fischer, Robert L.
Flowers, John M., Jr.
Foster, Earnest F.
Fox, Steven K., Jr.
Fraser, Donald W.
Frieders, Donald H.
Fuller, Robert P.
Gaddis, Seeman
Gardiner, Lawrence
Garner, Albert W.
Gaskins, Francis E.
Gay, Stanley J.
Geerds, Harry J.
Geiger, Frederick C.
Gendron, Rodiphe L.
Gillespie, Michael B.
Glessner, Raymond S.
Gottlieb, Ted M.
Green, James A., III
Grose, Frederick J.
Gruenberg, Harold
Guice, Stephen L.
Guida, James A.
Haeussler, Harry H., Jr.
Halliday, Albert J.
Hallock, Herbert B., Jr.
Halter, John E., Jr.
Hamilton, Albert E.
Hank, Leonard G.
Hanson, Roy
Hare, James B.
Harrington, Traver R.
Harris, Charles A.
Hartford, Arnold A.
Hartmann, Robin M.
Hasburgh, John J., Jr.
Hass, Edwin L.
Hathaway, Paul L.
Hayward, Donald C.
Hayward, Griswold S., Jr.
Hebditch, Edward A.
Heitzeberg, James M.
Heller, Robert L.
Hennessy, Daniel
Herman, "M" Robert, Jr.
Hicks, John K.
Hildebrand, William C.
Hinman, Charlton J. K.
Hogan, Harry A.
Hogan, William H., Jr.
Holcomb, John P.
Holloway, Milton T.
Holt, Wendell R.
Holton, Arthur P. F.
House, Edwin B.
Ireland, James M.
Jackson, Edmund B.
Jackson, Floyd E.
Jackson, Robert O.
Jacoby, Oswald
Jergens, Elton G.
Johannesen, Sverre
Johnson, Carl L.
Johnson, Fred
Jones, William P.
Judd, Neil D.
Karpe, Sol F.
Keahey, Woodrow C.
Keathley, Frank M.
Keegan, Thomas F.
Kelez, George B.
Keeler, Samuel C.
King, Norman V.
Knapp, William G.
Ladenheim, Edward L.
Lamb, Martin M.
Lamm, Charles E., Jr.
Lavrakas, John
Law, Robert D., Jr.
Lawton, Thomas P.
Leavey, Gerald B.
Lenahan, John J.
Leonard, Charles A., Jr.
Lindquist, Dean H.
Lindsay, Allen W.
Lombard, John A.
Lord, Leo C.
Lovci, John C.
Lund, Robert L.
MacKenzie, George N., Jr.
MacNichol, John I.
Mallicoat, Samuel H.
Mark, William M.
Marmon, Jeff A., Jr.
Meddaugh, John S.
Melchor, Richard J.
Melrose, Richard A.
Metzger, Joseph A.
Meyertholen, Joseph A.
Michael, Herbert W.
Miller, Don D.
Miller, Jo Z., IV
Miller, William M.
Misner, Floyd L.
Mitchell, Edward E.
Moe, Gordon E.
Monti, James H.
Moore, Charles W.
Morey, David N., Jr.
Morgan, Warren F.
Moriarty, Thomas J.
Morrill, James F.
Morris, Charles M.
Morris, William T., Jr.
Murphy, Daniel W. B.
Muse, William R.
Myers, Gerald E.
McClure, Robert E.
McDevitt, Elmer F.
McDonald, William J.
McGee, Robert H.
McGonagle, William E.
McHenry, William H.
McKinlay, Donald, Jr.
McLeod, Benjamin W., Jr.
McManus, Charles B.
McNulty, George S.
McRee, Kenneth O.
McVay, Robert L.
McWilliams, Alfred R., Jr.
Nash, Frederick A.
Neiser, Joseph B.
Newby, Clinton T.
Nowell, Donald L.
Nygren, Arnold C.
O'Gorman, Theodore A.
O'Halloran, John R., Jr.
O'Neill, Richard J.
O'Neill, Robert F.
Owens, John A.
Owens, John B.
Park, Oliver W.
Parker, William T., Jr.
Parsneau, Lawrence E.
Patterson, Lloyd J.
Pelletier, George E.
Perkins, Robert
Perry, Marsden J.
Peterson, Roger B.
Phillips, Edwin W.
Piersall, Bruce P.
Piper, Thomas J.
Platt, Samuel S., Jr.
Poduska, Benjamin F.
Porter, Mell G.
Powell, John P.
Power, John W.
Priory, Joseph A., Jr.
Quast, Harry C., Jr.
Quinlan, Clarence N.
Rastatter, Joseph R.
Reardon, James G.
Redding, John H.
Redfield, Judd H.
Reed, Roy B.
Reidinger, Joseph A.
Richards, Leonard G.
Riggs, Carl O., Jr.
Ritchey, Glenn W.
Roddy, James W.
Rogers, Charles W.
Ronbeck, Arthur C.
Roper, John B.
Ross, Clay M.
Ruch, Louis A. H.
Rudolph, Robert P.
Samuels, Jerome M., Jr.
Sanderson, Richard
Schumacher, Robert F.
Seligman, Bernard
Sexton, Frank M. P.
Shelly, Henry T.
Sherman, Ernest L.
Siljander, Mauno J.
Silsby, Henry F., Jr.
Simontacchi, Alexander
Slaymaker, Robert K., Jr.
Slusser, Thomas A., Jr.
Smith, Judson L.
Smith, Laurie C.
Smith, Marvin C.
Smith, Max A.
Smith, Max T., Jr.
Smith, Norman C.
Snyder, Willard T.
Sperling, Jack S.
Sprugel, George, Jr.
Steele, John M.
Stewart, Albert H.
Stovall, Benjamin L.
Sullivan, Francis J.
Swanson, Harry R., Jr.
Swentzel, Living, Jr.
Swiger, Loyren K.
Taylor, Andrew K.
Taylor, William B.
Terry, Edward M.
Thompson, Leo M.
Thompson, Robert C.
Thorpe, Raymond G.
Tiede, Jack E.
Torrey, James H.
Totherow, Clark C., Jr.
Tousey, Thomas C.
Trefny, William P., Jr.
Turpin, Homer A.
Viall, Kenneth T.
Wadsworth, Thomas J.
Walker, Clayton H., Jr.
Walker, Leon V., Jr.
Walkup, Benjamin F.
Warran, Guy W.
Wasem, Edgar F., Jr.
Waters, Louis A., Jr.
Weeks, Randall W.
Weller, James A.
Wessling, Harry C.
Wheeler, Molton H.
White, William C.
Wile, Alan R.
Williams, Kenneth F.
Williamson, Joseph W.
Wilson, Harold S.
Wilson, Ralph L.
Wood, Frank W.
Woodcock, David G.
Wright, Arthur H.
Wright, Frederick C.
Wuhrman, Charles M.
Young, Donald E.
Young, Leonard A.
Zammit, Joseph J.

MEDICAL CORPS

Harder, Frank K.

SUPPLY CORPS

Bomke, Jack C.
Bowser, Fred P.
Breed, Everett H.
Campbell, Lawrence A.
Chollar, George B.

Cook, Walter D.
Cottrell, Richard F.
Drew, William E.
Galloway, William R. C.
Gandola, Frank V.
Griswold, Sam S.
Howell, Posey N., Jr.
Hynson, Franklin W.
Jackson, Davis
Kidd, Andrew J.
Lowe, Francis D.
Miles, Donald B.
Miller, Joseph L., Jr.
Munns, Ralph B.
Rich, Robert H.
Smith, Howard W.
Smith, Roy F.
Strosnider, Charles M.
Williams, Ernest F.

CHAPLAIN CORPS

Adams, Charles W.
Baird, Robert J.
Gearan, Jeremiah F.
Ham, Ernest A.
Kabele, David R.
Kosky, David J.
LeMay, Harold E.
McGowan, John J., Jr.
Nolan, Francis D. W.
Rankin, Daniel S.
White, Henry P.

CIVIL ENGINEER CORPS

Blomsfield, Eugene F.
Brueggroom, John G.
Caler, William K.
Cannon, Edward O.
Compton, Charles C.
Cosgrove, John D., 2d
Decker, Joseph R.
Eustis, Ernest L., Jr.
Fye, Russell C.
Goodwin, Ernest R.
Gordon, Maurice M.
Harvey, Norman C.
Heintskill, Peter N.
Helmsing, Joseph H.
Hjul, Kenneth M.
Hobbs, Herbert C., Jr.
Hubbard, Marshall S.
Jackson, John K.
Klingenberger, Walter R.
Koetitz, Armin P.
Koopman, Harold
Lindgren, Clarence W.
Miller, Allen J.
Mosher, Edwin I.
Newman, Andrew M.
O'Donnell, Paul R.
Pantle, Walter E.
Ralph, Earl J.
Rockefeller, Stanley
Saltsman, Irl Leonard
Smart, Robert F.
Smith, Ernest K.
Smith, John E.
Swain, Frederick W.
Thompson, George H.
Turnbull, Charles E.
Twichell, Nathaniel H.
Walter, Sylvester H.
Whitney, Herbert W.
Wimer, Frank B.
Wing, William C.
Wright, John S.

DENTAL CORPS

Burdette, Obed D.
Lourie, Lloyd S., Jr.
Marker, Darrell A.
Pollitt, Robert C.
Stekette, Abraham
Swisher, Guy D.
Wheeler, George E., Jr.
Buell, Arthur B.
Ewart, Harry G.
Jones, Benjamin F.
Scheps, Gerson
Clark, Wayne J.

The following-named officers of the Navy for permanent promotion to the grade of lieutenant commander in the line and staff corps indicated, subject to qualification therefore as provided by law:

LINE

Aaberg, Mildred D.
Baraw, Shirley R.
Biadasz, Frances E.
Bonds, Mary K.
Canney, Ann L.
Carte, Carrie C.
Carver, Margaret E.
Chenault, Josephine L.
Coates, Margaret S.
Davis, Almira B.
Ellis, Alma G.
Forrester, Christine
Joyce, Dorothy J.
Kelleher, Marie B.
Leighton, Mary E.
Love, Winifred
Mitchell, Francis S.
Myrick, Mildred W.
Parks, Melba R.
Rawl, Elizabeth L.
Richard, Dorothy E.
Riley, Katherine R.
Schaefer, Carolyn W.
Stewart, Jean M.
Stockert, Mabel M.
Sutton, Mildred E.
Swanson, Dorothy F.
Ziegler, Kathleen

SUPPLY CORPS

Ashton, Isabelle G.
Ford, Ellen
Gorham, Helen R.
Mayes, Margaret W.
Schopfer, Jane E.

MEDICAL SERVICE CORPS

Cranmore, Doris

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 14, 1952

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou whom we reverently worship and adore as the infinite and infallible source of wisdom and the light of all that is true and the strength of all that is good, grant that this new week may be rich in the culture of our souls and in the realization of the God-ordained way of life.

Inspire our minds with a reassuring vision of Thy gracious and beneficent purposes and our hearts with a splendor of faith and courage which nothing can ever eclipse or extinguish.

Enable us by Thy grace to fortify ourselves against every unworthy and inordinate impulse and every callous and cynical temper of mind which may assail us as we face our duties and responsibilities.

We pray that the ethic of good will and justice, of brotherhood and friendship, may be the foundation on which we are seeking to build a worthy and an enduring civilization.

Hear us in Christ's name. Amen.

The Journal of the proceedings of Thursday, January 10, 1952, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Hawks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Landers, its enrolling clerk, announced that the Senate had ordered that the Senator from South Carolina, Mr. JOHNSTON, the Senator from Kentucky, Mr. UNDERWOOD, and the Senator from Kansas, Mr. CARLSON, be appointed members on the part of the Senate of the Joint Committee on Postal Service in compliance with section 13, Public Law 233, of the Eighty-second Congress, first session. sion.

THE LATE HONORABLE THOMAS D. WINTER, A REPRESENTATIVE FROM THE STATE OF KANSAS

The SPEAKER. The Chair recognizes the gentleman from Kansas [Mr. GEORGE].

Mr. GEORGE. Mr. Speaker, it is my sad duty to announce the death on November 7, 1951, of Hon. Thomas D. Winter, a former Member of the House of Representatives from the Third District of Kansas. He served in the Congress January 3, 1939, to January 1947.

We had been personal friends for many years. His untimely death was a great shock to his many friends throughout the Third Congressional District, the State, and the Nation.

Thomas D. Winter was born July 7, 1896, at Columbus, Kans. He attended grade schools in Galena and Columbus, Kans., and graduated from Columbus (Kans.) High School. He served in the Air Corps during the First World War, and on his return from service, became court reporter for the district court of Crawford County. He made his home at Girard, Kans. He was married to Blanche Gracey, of McCune, Kans., in 1922, and she and their two children survive. While serving as court reporter he studied law, passed the State bar examination, and was admitted to the general practice of law in Kansas in 1926. He served as assistant county attorney and was elected county attorney of Crawford County, Kans. He also served as commissioner of public utilities of the city of Girard and also served as commissioner of finance and revenue for his home town. He was a member of the American Legion, the Presbyterian Church, and the various Masonic bodies. He always took an active part in civic affairs in his home community and led an active life up until a few months before his passing. He was considered to be one of the best public speakers in southeast Kansas and was always sure of a large and attentive audience wherever he appeared.

Tom, as he was universally known among his friends and acquaintances, was a self-made man. Members of Congress who served with him will remember him as an able debater, and an efficient and effective Member of this legislative body.

SPECIAL ORDERS GRANTED

Mr. KILDAY asked and was given permission to address the House for 20 minutes today, following any special orders heretofore entered.

Mr. FEIGHAN asked and was given permission to address the House tomorrow for 20 minutes, following any special orders heretofore entered.

Mr. VAIL asked and was given permission to address the House today for 30 minutes, following any special orders heretofore entered.

PEWITT SCHOOL ENDS COMMUNITY RIVALRY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include with my remarks a statement by Mr. Robert M. Hayes, of the Dallas News, and also a speech by myself on October 21, 1951.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I am inserting in the RECORD at this time a story of the Paul H. Pewitt School, written by Robert M. Hayes, for the Dallas News, on October 21, 1951.

It was my pleasure to address the patrons and friends of the Pewitt School district on the occasion of the dedication of the school last October, and I was so impressed by the wisdom and generosity of Mr. Paul H. Pewitt, and by the subordination of petty community jealousies to the greater good of improved educational opportunities for the children that I am certain others would like to know about it. A copy of the address is inserted herewith.

My State has recently passed progressive school legislation, popularly known as the Gilmer-Aikin laws. A primary objective of these laws was to provide a unit of administration large enough for every child to have the advantages of a 4-year accredited high-school education. It appears to me that the creation of the Pewitt School district provides a proving